

DIVORCE/ANNULMENT INSTRUCTION PACKET

Use the **Petition for Divorce/Annulment ONLY** when:

- ☐ You want a divorce or annulment; **AND**
- ☐ Either you or your spouse has resided (lived) in Delaware for at least 6 months immediately preceding filing for divorce or annulment; **OR**
Either you or your spouse has been stationed in Delaware as a member of the military for at least 6 months immediately preceding filing for divorce or annulment.

Although this packet appears to discuss only what you need to do if you want to file a Petition for Divorce, you should also use this packet if you want to file a Petition for Annulment.

HOW TO USE THIS PACKET

This packet contains general information about the Divorce process, basic instructions on how to complete the Court forms you must file, and samples of completed Court forms. You should read all of the instructions carefully **before** filling out any of the forms. All of the forms must be neatly filled out by hand or typed. **COMPLETE AND FILE THE FORMS THAT ARE INCLUDED IN THE FORMS PACKET.** The sample forms included in this Instruction Packet are simply to help you understand how to fill out the real forms in the Forms Packet.

YOU MAY NOT NEED TO COMPLETE ALL OF THE SECTIONS IN THIS PACKET. A paragraph at the beginning of each Section will describe who should complete that Section. **Read carefully** to determine if that Section applies to you. **ONLY** complete the sections that apply to you.

YOU DO NOT HAVE TO COMPLETE ALL THE SECTIONS AT ONCE. For example, you do not have to file the forms in Section 2 at the same time as the forms in Section 1. Read the information carefully to make sure that you know what you are supposed to do and when to do it.

Please look for the shaded examples, written instructions and the following symbols throughout the packet. They will help guide you.



READ THIS SECTION CAREFULLY



THIS DOCUMENT MUST BE FILED



FILL IN THE BLANKS OR WRITE INFORMATION HERE



YOU DO NOT HAVE TO TAKE THESE STEPS NOW.



TIPS AND REMINDERS

- ✓ Make sure that you read any FAQ's (Answers to Frequently Asked Questions) on Divorce. These will give you the information that you need to properly file a Petition for Divorce/Annulment and to better understand the process.
- ✓ The laws governing divorce and annulment are found in Title 13 of the Delaware Code. It will be helpful for you to read these statutes, so that you are aware of the law that the Court will be applying when deciding your case. The Delaware Code is available in the Family Court Resource Centers, public libraries throughout Delaware and on the internet at www.delcode.state.de.us.
- ✓ **BE AWARE** that this Packet does **NOT** address the issues of custody, visitation or child support. Check at the Family Court Resource Centers or on the Family Court web site for information and packets addressing these issues. These resources will provide you with detailed information regarding custody, visitation and child support, including **any additional forms** that you must file when requesting that the Court consider these matters.
- ✓ Remember who is the Petitioner and who is the Respondent.
 - The **PETITIONER** is the person who files the Petition for Divorce (YOU).
 - The **RESPONDENT** is the person replying (responding) to the **Petition**.
- ✓ Remember that properly completing the forms does not guarantee that the Court will give you (grant) what you want. It is up to you at the

Court Hearing to prove why the Court should give you (grant) you what you want.

- ✓ Representing yourself may take a lot of time, may be difficult and may be confusing. The Court will expect you to follow the same rules that attorneys must follow. **If at any point in the divorce process you are unsure about representing yourself, you should talk to an attorney.**
- ✓ Please remember that **COURT STAFF CANNOT GIVE YOU LEGAL ADVICE**. Should you have any questions as to what options you have or what you should do; you should talk to an attorney. Just because you talk to an attorney does not mean that you must hire that attorney to represent you. Ask the attorney if he/she is willing to meet with you and answer your questions without having to hire him/her for full representation. Before you meet with the attorney, ask what fees may be involved for such limited services.
- ✓ If you would like assistance finding an attorney, you can call the **Lawyer Referral Service** in New Castle County, 302-478-8850, and in Kent and Sussex Counties, 1-800-773-0606. (You may call the same telephone numbers and ask for the **Legal Help Link** to find out if you qualify for free legal assistance.) You also can refer to the **Attorney Roster** that is located at the Family Court Resource Centers. The Attorney Roster is a listing of some of the attorneys who practice family law in Delaware and includes information about how to contact the attorneys and what fees the attorneys charge.

- ✓ Always bring your photo identification (such as your driver's license or state issued photo identification card) whenever you need to have a Court form notarized.

- ✓ **THERE IS A LOT OF PAPERWORK IN A COURT CASE AND HAVING THE COURT MAKE YOU COPIES CAN BE VERY EXPENSIVE.**

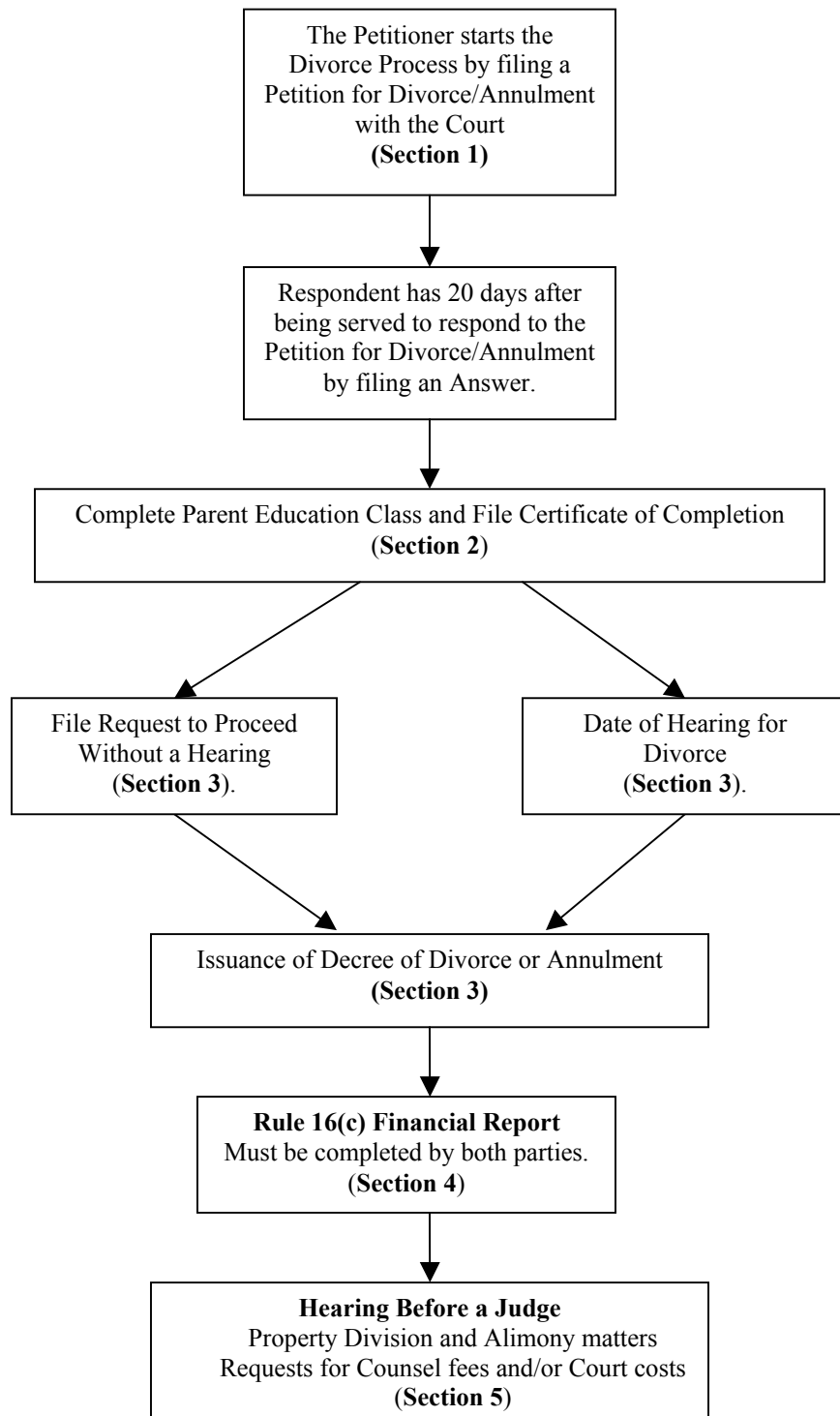
PLEASE READ AND REMEMBER THESE IMPORTANT TIPS

REMEMBER

- **KEEP A COPY OF EVERY DOCUMENT AND COURT PAPER.**
- **Keep all notes, documents and court papers together and organized in a folder with the most recent papers on top.**
- **Bring the folder with your papers with you every time you go to Court.**
- **When you file a document with the Court, bring the required number of copies of each paper and an extra copy for you to have “clocked-in.” Keep the clocked-in copy in your folder so you have proof of the time and date you filed each document. You may make copies at the Resource and Self-Help Centers but there is a small fee.**
- **When you complete a document or form for filing with the Court, always include the full case name and file and petition numbers (if there are any).**
- **When you must mail something, we suggest that you use regular mail AND “certified mail, return receipt requested” so that you have proof that the other party received the envelope. If you cannot afford to pay for “certified mail” we suggest you get a “certificate of mailing” at the post office to prove that you mailed the envelope to the other party. You may purchase stamped envelopes at the Resource and Self-Help Centers and the Court will mail your Court papers for you by regular mail. You are responsible for certified mailing.**

CONTAINS INSTRUCTIONS ON HOW TO COMPLETE THE COURT FORMS AND SAMPLES OF COMPLETED COURT FORMS. **REMEMBER, ONLY FILE THE FORMS IN THE FORMS PACKET.** THE INSTRUCTION AND SAMPLE FORMS IN THIS SECTION ARE DESIGNED ONLY TO ASSIST YOU IN COMPLETING THE FORMS IN THE DIVORCE PACKET.

THE DIVORCE PROCESS



Section 1

TYPES OF DIVORCE



There are different types of divorce in Delaware. Your divorce will be processed differently depending upon what type it is. Divorces can be **Contested** or **Uncontested**.

- If the Petition for Divorce/Annulment is contested, in other words the Respondent challenges material information in the petition such as jurisdiction or the grounds for divorce, then the matter will automatically be scheduled for a hearing.
- If the Respondent does not file an Answer within 20 days of receiving the Petition for Divorce/Annulment **OR** files an Answer agreeing with your request for a divorce, the petition is uncontested. If the petition is uncontested the Petitioner can choose what type of divorce proceeding he/she would like to have.
 - The Petitioner may request that the Court decide the Petition for Divorce/Annulment based solely on the papers that are filed, without the parties appearing in Court for a hearing; **OR**
 - The Petitioner may chose to have the Court decide the Petition for Divorce/Annulment after holding a hearing which the Petitioner must attend and the Respondent may, but is not required to, attend.

The Court will use the same standard for granting a divorce regardless of the type of divorce that you chose; however, different filing requirements exist for each type of divorce.

When completing the Petition for Divorce/Annulment, the Petitioner will be asked to pick which type of uncontested divorce he/she would like to get **IF** the petition is uncontested. Please read the information in this Instruction Packet

carefully to help you determine which type of divorce you would like to choose. **You may change your mind regarding which type of divorce you would like** after you file the Petition for Divorce/Annulment. However, you will need to be sure that you have met all of the necessary requirements for filing that type of divorce. Please see pages 35-40 for more information regarding the filing requirements for each type of divorce.



BE AWARE. If you choose to proceed on the papers, you will not have a hearing in front of a Commissioner to decide whether your divorce should be granted. However, **IF** you or your spouse request that the Court divide your marital property/debts and/or award alimony, you **MAY** still have a hearing in front of a Judge. The hearing in front of a Judge on these ancillary matters **CANNOT** be waived, unless the parties settle their case prior to the scheduled hearing.

STARTING THE PROCESS



You **MUST** file the **ORIGINAL** and **ONE (1) COPY** of each form below with the Court.

- Make a copy of each completed form for your personal records.
- Have your set of copies “clocked-in” for your personal records. Having a paper “clocked-in” means that the Court will stamp the time and date you filed your papers on your copy. Your clocked-in copy will serve as proof of the time and date you filed the paper.



Petition for Divorce/Annulment. (*file original and one copy*).

- Although they are on the same petition form, Divorce and Annulment are separate actions. Generally, litigants choose to file either a Petition for Divorce or a Petition for Annulment. You should decide which petition is right for you. If you file a Petition for Divorce complete Section II on the petition. If you file a Petition for Annulment complete Section III. If you choose to file both types of petitions, you must fill out both Section II and III. You must also pay a filing fee for each petition. Please see the Overview for Divorce for more information about which type of petition you should file.
- Either you or your spouse **MUST** have lived in Delaware for 6 consecutive months (or 6 months in a row) before you can file for divorce in this State. If neither of you have lived in Delaware for the past 6 months in a row, you should speak with an attorney to determine where is the best place to file for divorce.
- When filling in the Separation Date on your petition, write down the MONTH, DAY and YEAR that you separated.

- If your spouse is a citizen of another country or has lived in another country in the past two years, you must list the address of the embassy for that country. **BE AWARE!!!** Possession of a United States green card does not make a person a citizen of the United States of America. If your spouse has a green card, you must list the embassy for the country where he/she is still a citizen.
- Before the Court will grant your divorce, you must demonstrate (indicate) that that your marriage is irretrievably broken **AND** that reconciliation with your spouse is not probable by checking **BOTH** the appropriate boxes on the petition. You must check **both boxes** before the Court will grant your divorce. You must **also** check at least one of the reasons why your marriage is irretrievably broken.
- Ancillary matters are actions that are dependent on the divorce action. In other words, the Court cannot consider these matters apart from a Petition for Divorce/Annulment. If you want the Court to grant you a property division, alimony, court costs, attorney fees or any other ancillary relief allowed in Title 13, section 1507 (f), you must ask the Court to do so as part of the divorce proceeding **BEFORE THE DIVORCE DECREE IS ENTERED.**
- Please note that you can only request to change **YOUR** name. You may not request to change your spouse's name. You may only change your name to your maiden name or other former name.
- The Petition for Divorce/Annulment must be notarized by a notary public or authorized court staff. **DO NOT** sign your petition until you are in the presence of a notary.



The Separation Date that you list on the Petition for Divorce/Annulment is VERY IMPORTANT. Court staff will use this date to determine when your petition can be decided by a Commissioner. Once you have finished filling out your petition, write down the Separation Date that you listed in your petition in the appropriate space on the next page. Calculate 6

months from that date and write it in the appropriate space next page. The second date is the **earliest** you can expect the Court to decide your petition unless you have filed on the grounds of misconduct or have filed for an annulment.

SEPARATION DATE ON MY PETITION:	6 MONTHS FROM SEPARATION DATE:
_____ MONTH DAY YEAR	_____ MONTH DAY YEAR



Information Sheet form (*file original and one copy*)

- This form provides the Court with general information about the parties which allows the Court to adequately notify the parties about upcoming proceedings and to maintain up-to-date records.



Division of Public Health/Vital Statistics form (*file original only*)

- This form must be filled out in black ink or typed.
- This form is not in the Forms Packet. It is available in the Family Court Resource Centers located in the courthouses in all three counties.



A certified copy of you Marriage Certificate (*file certified copy only*)

- You **MUST** file a **certified copy** of your marriage certificate. A certified copy will bear an embossed seal or watermark signifying that it is an official copy. You may **NOT** file a photocopy of an original copy.
- A certified copy of your marriage certificate is available from the Division of Public Health and Vital Statistics in the state or jurisdiction where you were married. You **CANNOT** obtain a copy of your marriage certificate at Family Court.



Request for Notice form *(file original and one copy)*

- On this form you will tell the Court how you want to notify the Respondent about the Petition for Divorce/Annulment.
- If your spouse lives in Delaware and you know his/her address, you must ask the Court to personally serve him/her with a copy of the Petition. This means that someone will deliver the Petition to your spouse at his/her home or workplace.
- If you do not know where your spouse lives, you must ask the Court to publish **AT YOUR EXPENSE** notice of the petition in the newspaper. You must also complete an **Affidavit that a Party's Address is Unknown**. Please see Optional Forms below.
- If your spouse does not live in Delaware, you must ask the Court to send notice to your spouse by certified mail and publish **AT YOUR EXPENSE** notice of the petition in the newspaper.



If you and the Petitioner are parents of a child(ren) who is under the age of 18, you must also file the form below with the Court:



Affidavit of Children's Rights *(file original and one copy)*

BELOW ARE OPTIONAL FORMS



ONLY file the following forms if the situation applies to you:



Separation Agreement (*file original and one copy*)

- File the Separation Agreement **ONLY** if you and your spouse have agreed on the terms of your divorce **AND** you want the Court to be able to have the power to make you and your spouse follow your agreement (enforce the Separation Agreement).
- The Separation Agreement is **NOT** a Court form and is **NOT** included in the Divorce Packet. You must write down how you and your spouse are dividing your marital property and/or debts and any other agreements (such as custody, visitation, child support, alimony etc.) that you and your spouse have regarding the divorce. On the top of the paper, write the case name and file number (this is in the top right hand corner of the Petition for Divorce/Annulment). Title the paper "Separation Agreement." **BOTH** you and your spouse **MUST** sign the Separation Agreement in the presence of a notary.
- When you file this document, you **MUST ALSO** file a Stipulation to Incorporate the Separation Agreement.
- The Court will not review your agreement to decide if it is fair.



Stipulation to Incorporate the Separation Agreement Form (*file original and one copy*)

- **ONLY** file this form if you have a Separation Agreement and you want the Court to be able to enforce the Separation Agreement. **BOTH** you and your spouse **MUST** sign the Stipulation to Incorporate the Separation Agreement in the presence of a notary.

When you file this form, you **MUST ALSO** file your Separation Agreement.



You may file a Separation Agreement and the Stipulation to Incorporate the Separation Agreement **AT ANY TIME UNTIL** the day the Court decides your petition.



Affidavit that a Party's Address is Unknown form. (*file original and one copy*)

- **ONLY** file this form if you do **NOT** know where the Respondent lives.
- You must tell the Court where to notify the Respondent of the Petition for Divorce/Annulment. If you do not know where the Respondent currently lives, you must **try to locate** him or her. Ways to do this include talking to your spouse's friends or relatives or checking the Internet. If after looking for the Respondent you cannot find a current address, you must complete this form. **Do not complete** this form until you have made an effort to locate the Respondent.
- This form is not in the Forms Packet. This form is available in the Family Court Resource Centers.



Affidavit that a Party's Social Security Number is Unknown form (*file original and one copy*)

- **ONLY** file this form if you do **NOT** know the Respondent's social security number.
- Delaware law requires that you provide the Court with both parties' social security numbers. If you do not know the Respondent's social security number, you must **try to locate** it. Ways to do this include talking to your spouse or looking in financial records. If

after looking for the Respondent's social security number you cannot find it, you must complete this form. **Do not complete** this form until you have made an effort to locate the Respondent's social security number.

- This form is not in the Forms Packet. This form is available in the Family Court Resource Centers.



Waiver of Rights under the Servicemembers' Civil Relief Act (*file original and one copy*). **Complete this section ONLY if the Respondent IS in the military.**

- If your spouse is in the military, your spouse must file an Affidavit of Appearance, an Answer or **YOU** must have your spouse sign a Waiver of Rights under the Servicemembers' Civil Relief Act. If your spouse does not file one of these documents, you must file a **Motion to Appoint an Attorney**. You should start this process as soon as possible because it takes time. The Court will not schedule your divorce hearing until you complete this process.



BE SPECIFIC WHEN COMPLETING THE FORMS for filing. **DO NOT LEAVE ANY ANSWER BLANK.** If a question does not apply to you write "N/A" in the blank. When you complete a form, write in blue or black ink **AND** write neatly.



File the forms at the Family Court **in the County where either you or your spouse currently live.**

- In Kent and Sussex Counties you may file your papers at the Resource Centers on the first floor of the Family Court buildings.
- In New Castle County, you may file your papers at the Resource Center on the second floor of the New Castle County Courthouse or, **IF** you have all of the forms completed, you do **NOT** have any


questions, you have made the necessary copies and you do **NOT** need any papers notarized, you may file your papers at the **Central Filing and Payment Center** located on the first floor of the New Castle County Courthouse. There is no staff assistance at the **Central Filing and Payment Center**.


- If you file your papers by mail, the addresses for each courthouse are available in the Divorce Overview and on the Family Court website. The Court does **NOT** accept filings that are faxed or e-mailed.



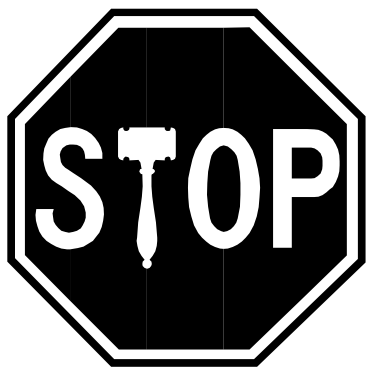
A filing fee is charged for each petition that is filed. The filing fee can differ depending on the type of petition you are filing. To find out what the filing fee is, you can look at the Family Court website or go to the Family Court Resource Centers located in each courthouse. The filing fee can be paid in cash, by credit card, by debit card, by check or by money order made payable to “Family Court”. If you are filing by mail, you may only pay by check or money order. **FAMILY COURT WILL NOT ACCEPT YOUR PAPERS WITHOUT THE FILING FEE.** There are additional costs if you must publish notice of this action. (See page 13 for more information of when publication is necessary.)

Additional Instructions for Section 1

 Your spouse has **20 DAYS** from the date of service (date that the Respondent receives the Petition for Divorce/Annulment or date of publication) to respond to your Petition for Divorce/Annulment. Your spouse may file an **Answer** to your Petition for Divorce/Annulment on which your spouse may **admit** or **deny** any of the statements that you made in your petition. On the Answer, your spouse may **counterclaim** for divorce or annulment. A counterclaim means that your spouse is filing his/her own Petition for Divorce/Annulment. Your spouse may also request that the Court determine **ancillary matters**.

 Instead of filing an Answer, your spouse may file an **Affidavit of Appearance and Waiver of Rights forms**. By filing an Affidavit of Appearance, your spouse is telling the Court that he/she does not need to be given notice of the Petition for Divorce/Annulment, in other words be served with a copy of the petition. The Waiver of Rights form tells the Court that your spouse does not want to file an Answer.

SECTION 2 BEGINS AFTER SAMPLES OF THE SECTION 1 FORMS



**YOU NEED TO BEGIN
SECTION 2 AFTER YOU
FILE THE PAPERS IN
SECTION 1.**

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county where you are filing the form.

Petitioner

v. Respondent

Court Use Only:

Name			
Street Address	101 Oak Street		
Apt. or P.O. Box Number	Apt. 123		
City	State	Zip Code	
Dover	DE	19901	
Attorney Name and Phone Number			
n/a			

Name	John D. Smith		
Street Address	490 Pine Street		
Apt. or P.O. Box Number			
City	State	Zip Code	
Wilmington	DE	19899	
Attorney Name and Phone Number			
n/a			

File Number
Petition Number

SECTION I – PETITION FOR DIVORCE/ANNULMENT GENERAL INFORMATION

1. I have lived in Delaware for at least six consecutive months before I filed this petition. ☒ yes ☐ no.
2. I have lived in Delaware from 2/3/64 to 3/17/04.
(MM/DD/YY) (MM/DD/YY)
3. My date of birth is 2/3/64.
(MM/DD/YY)
4. My occupation is Preschool teacher.
5. My spouse has lived in Delaware for at least six consecutive months before I filed this petition. ☒ yes ☐ no.
6. My spouse has lived in Delaware from 8/1/75 to .
(MM/DD/YY) (MM/DD/YY)
7. My spouse's date of birth is 7/13/65.
(MM/DD/YY)
8. My spouse's occupation is Computer technician.

☒ My spouse's home address as described above.

☐ The following address that is different from the address above:

(STREET ADDRESS) (APT. OR P.O. BOX NUMBER) (CITY)

☐ My spouse lives out of state. It is unlikely that my spouse can be personally served. My spouse should be served by mail and/or publication of notice **AT MY EXPENSE**, as provided by Title 13, section 1508 of the Delaware Code.

☐ I do not know where my spouse receives mail. It is unlikely that my spouse can be personally served. My spouse should be served by publication of notice **AT MY EXPENSE**, as provided by Title 13, section 1508 of the Delaware Code.

9. My spouse's citizenship is described below. **(CHECK ALL THAT APPLY)**

☒ My spouse is a citizen of the United States of America.

☐ My spouse is not a citizen the United States of America; he/she is a citizen of _____ (name of country). The embassy address of the country in which my spouse is a citizen is:


(NAME OF EMBASSY) (STREET ADDRESS) (CITY) (STATE) (ZIP CODE)


Possession of a green card does not make you a US citizen. Check the appropriate box.


Do not include any dates when you or your spouse lived in another state. Begin with the date when you or your spouse most recently began residing in Delaware.

☐ My spouse resided in a foreign country within two years prior to my filing the petition; he/she resided in _____ (name of country). The embassy address of the country in which my spouse resided is:

(NAME OF EMBASSY) (STREET ADDRESS) (CITY) (STATE) (ZIP CODE)

 11. My spouse and I were married on the following date 5/16/87.
(MM/DD/YY)

 12. The place of my marriage was Camden, Delaware.

 13. My spouse and I separated on the following date 1/1/04.
(MM/DD/YY)

 14. Check and complete **ALL** that apply for the following:

☐ Wife **IS** currently pregnant

☒ Wife is **NOT** currently pregnant.

☒ We have children of the marriage (born or adopted) who either are younger than 18 years old or are 18 years old and still in high school. *(If you check this box, list the children below. Attach additional sheets if necessary.)*

NAME OF CHILD(REN) (First, Middle, Last)	DATE OF BIRTH (Month, Day, Year)	ADDRESS OF CHILD(REN) (Street Address, City, State, Zip Code)
Doug A. Smith	10/14/91	101 Oak St., Apt. 123, Dover, DE 19901
Mary J. Smith	4/17/96	101 Oak St., Apt. 123, Dover, DE 19901


 15. Check **ONE** and complete as directed concerning prior matrimonial proceedings.


Complete only if you or your spouse previously filed for divorce or annulment.

☒ I have not brought an action for divorce or annulment in any court against this spouse **AND** to the best of my knowledge, information and belief, my spouse has not brought an action for divorce or annulment against me in any court.

☐ Either my spouse or I have filed for divorce or annulment against the other before the date of filing of this petition. *If you check this box, complete the table below. Attach additional sheets if necessary.*

TYPE OF ACTION (divorce or annulment)	PERSON who filed the action (myself or my spouse)	STATE the action was filed	COUNTY The action was filed	COURT the action was filed in	DATE the action was filed	RESULT of the action

 16. My social security number is 111-22-3333

 17. My spouse's social security number is 787-98-6767

SECTION II - DIVORCE

☐ I want to get a **DIVORCE** because the following statements are true. (Check **BOTH** the following statements to acknowledge that they are true.)

☐ MY MARRIAGE IS IRRETRIEVABLY BROKEN. My spouse and I separated for the following reason(s). (Check **ALL** that apply).

☐ INCOMPATIBILITY BETWEEN THE PARTIES My spouse and I cannot get along as husband and wife and our marital relationship is destroyed.

☐ MISCONDUCT OF MY SPOUSE Misconduct such as physical abuse, mental abuse, infidelity or abandonment has occurred. Describe the misconduct that occurred.

You must check **BOTH** of these boxes or else the Court cannot grant you a divorce.

You must check at least one of these boxes explaining why your marriage is irretrievably broken.

☐ MY SPOUSE'S MENTAL ILLNESS Describe your spouse's mental illness including diagnosis and treating physician.

☐ VOLUNTARY SEPARATION My spouse and I have agreed to separate and end the marriage;

AND

☐ RECONCILIATION (GETTING BACK TOGETHER) WITH MY SPOUSE IS NOT PROBABLE.

SECTION III - ANNULMENT

DO NOT COMPLETE THIS SECTION IF YOU WANT A DIVORCE

☐ I want to get an **ANNULMENT** because the following statements are true. (Check **ALL** that apply).

It has been less than 91 days since one of the following occurred:

☐ MY SPOUSE LACKED CAPACITY TO CONSENT TO THE MARRIAGE. My spouse did not have the legal capacity to agree to the marriage at the time of the ceremony, because of mental incapacity or the influence of alcohol, drugs or other incapacitating substances. Describe the circumstances that made your spouse unable to agree to the marriage and **HOW** and **WHEN** you learned of these circumstances.

☐ I RELIED UPON A FRAUDULENT ACT OR MISREPRESENT-ATION. I married my spouse because of a fraudulent act or misrepresentation by my spouse **AND** that act goes to the essence of the marriage. Describe the fraudulent act or misrepresentation and **HOW** and **WHEN** you learn of the act.

☐ DURESS. One of the parties married because a person exercised duress over him/her. Describe how the duress occurred and **HOW** and **WHEN** you learned of the duress.

☐ JEST OR DARE. One of the parties got married because of a jest or dare. Describe the jest or dare and **HOW** and **WHEN** you learned of the jest or dare.

AND/OR

It has been exactly one year (365 days) or less since the following occurred:

☐ INABILITY TO CONSUMMATE MARRIAGE I learned that my spouse lacked the physical ability to have sexual intercourse and I did not know this before we got married. Describe **HOW** and **WHEN** you learned that of the inability to consummate the marriage.

☐ WE DID NOT HAVE THE CONSENT OF PARENTS My spouse or I was underage when we married and we did not have the parents' consent to get married.

SECTION IV – RELIEF REQUESTED (WHAT YOU WANT THE COURT TO DO)

(YOU **MUST** COMPLETE THIS SECTION WHETHER YOU WANT A DIVORCE OR AN ANNULMENT)

I ask that the Family Court:

- A. Issue Summons directed to my spouse requiring my spouse to answer the Petition for Divorce/Annulment.
- B. Enter an Order (Decree) for Divorce/Annulment, thereby divorcing Petitioner (me) and Respondent (my spouse) from the bonds of matrimony or annulling the marriage.

I also ask the Family Court to decide all the matters checked below. (*Check what you want the Family Court to decide or to order. Some of the matters require an additional filing fee:*)

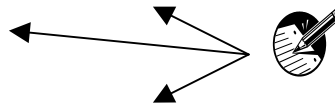
- | | |
|--|--|
| <input checked="" type="checkbox"/> Property Division
(divide our marital property and/or debts) | <input type="checkbox"/> Court Costs
(have my spouse pay me for my court costs for this action) |
| <input type="checkbox"/> Temporary Alimony
(have my spouse pay me alimony until the divorce is final) | <input type="checkbox"/> Permanent Alimony
(have my spouse pay me alimony after the divorce is final) |

☐ Counsel fees
(have my spouse pay me for my attorney fees for this action)

☐ Other ancillary relief allowed by statute _____

☒ Change my name to Anne C. Michaels
(must be maiden or former name)

☒ Incorporate our Separation Agreement
(enforce your separation agreement)
(If you want the Family Court to enforce your Separation Agreement, you **MUST** attach the original Separation Agreement signed by both parties and notarized **AND** the original Stipulation to Incorporate the Separation Agreement that also is signed by both parties and notarized).



Check the appropriate box for any other relief you would like from the Court.

Sign here



Anne C. Smith

Petitioner (person who is filing this Petition) or Petitioner's Attorney



TYPE OF DIVORCE PROCEEDING REQUESTED

If my petition is **uncontested** by my spouse, I would like to proceed with my case in the following manner.
Please see the Divorce/Annulment Instruction Packet for a detailed explanation of your options.

- ☐ I would like the Court to proceed without a hearing and decide my Petition for Divorce/Annulment based solely on the papers that I file.
- ☒ I would like to attend a hearing and have my Petition for Divorce/ Annulment decided by a Commissioner at that hearing.

VERIFICATION

STATE OF DELAWARE)

Kent COUNTY)

SS.)



Fill in the County where you have this form notarized and the date that you have it notarized

BE IT REMBERED, that on this date, 3/17/04, personally appeared before me a
(MM/DD/YY)

Notary Public for the State and County aforesaid, Anne C. Smith who, being duly sworn by me did declare that he/she is the PETITIONER in the above captioned action and that all of the facts set forth for Divorce/Annulment are true and correct to the best of his/her knowledge and belief.

Sign in the presence of a notary or court staff.



Anne C. Smith

Petitioner (person who is filing the Petition form Divorce/Annulment)

SWORN TO AND SUBSCRIBED before me on aforesaid date,



Signed by notary or court staff.

Donna King

Notary Public or Clerk of Court

The Family Court of the State of Delaware

Fill in the
date you file
the form.



INFORMATION SHEET - PLEASE PRINT

Date: March 17, 2004 File No. : _____

Please fill in A to K pertaining to you the Applicant (Petitioner).



A. Name: Anne C. Smith



B. Address: 101 Oak Street, Apartment #123

Dover, Delaware 19901



C. Phone: Home: (302) 555-1111 Work: (302) 555-9999



D. Employer & Work Address: ABC Child Care Center, 500 Pine Street, Dover, Delaware 19904

Hours/Shift: 7:30 to 4:30 Monday-Friday



E. Social Security No.: 111-22-3333 F. Date of Birth: 2/3/64



G. Description: Sex: F Race: white Height: 5'4" Weight: 135 lbs Hair: blond Eyes: brown

Marks/Scars/Tattoos: none



H. Type of Vehicle operated by you: 1998 Honda Accord



I. Driver's License: DE 7654 J. Your relationship to the Defendant/Respondent: spouse


State and Number



K. Attorney: none

If you are filing for Custody, Visitation, Support or Petition for Protection from Abuse please fill out the information needed below in reference to the child(ren) who are involved..

Children (Custody/Visitation/Support/Petition for Protection from Abuse)

Name	Relationship	Sex	Date of Birth
N/A			/ /
 You do not need to fill out this section because you are filing a divorce.			/ /
			/ /
			/ /
			/ /
			/ /
			/ /

Please fill in L to X pertaining to the Defendant/Respondent..(For additional respondents use additional sheets)

L. Defendant/Respondent is a: (Check One) ☒ ADULT ☐ JUVENILE

M. Name: John D. Smith

N. Address: 490 Pine Street

Wilmington, Delaware 19899

O. Phone: Home: (302) 555-9876 Work: (302) 555-3434

P. Employer and Work Address: XYZ Corporation, 67 Walnut Avenue, Newark, Delaware 19867

Hours/Shift: 9 am -5pm, Monday-Friday

Q. Social Security No.: 787-98-6767

R. Date of Birth: 7/13/65

S. Description: Sex: M Race: white Height: 6'0" Weight: 190 lbs Hair: black Eyes: brown

Marks/Scars/Tattoos: tattoo of an eagle on right shoulder

T. Drivers License No.: DE93765

U. Type of vehicle operated by Defendant/Respondent 99 Trailblazer

V. Parent's Name (if a Juvenile):

W. Time when Respondent is usually home: 7pm-6:30 am, Monday-Friday and Mornings on the weekends

List places where the Respondent spends time other than at home or at work.

X. Any additional information about Respondent that may aid the process server in locating him/her to serve this petition:

If you are unable to locate the Respondent at his place of residence or his place of employment, he spends a lot of time at brother's house which is located at 775 Spruce Lane, Newark, DE 19867.

Write directions to each address list on this form to make sure that the process serve can locate your spouse.

DIRECTIONS TO RESPONDENT'S RESIDENCE

Work: Take I-95 towards Baltimore. Get off at Exit 10 and take your first right onto Cherry Drive. Go about a mile and a half. Turn left onto Walnut Ave. XYZ Corporation is on your left.

Brother: Go two blocks past Respondent's home to 10th Street. Turn left and go one block to Spruce Lane. Turn right. It is the second house on the right. The house is green.

CERTIFICATE OF DIVORCE OR ANNULMENT

State of Delaware

OFFICE OF
VITAL STATISTICS

DIVISION OF PUBLIC HEALTH

State File No.

HUSBAND

1. HUSBAND'S NAME (First, Middle, Last)
John D. Smith

2a. RESIDENCE - STREET OR NUMBER, CITY
490 Pine Street

2b. COUNTY
New Castle

2c. STATE ZIP
Delaware 19899

3. BIRTHPLACE (State or Foreign Country)
Ohio

4. DATE OF BIRTH (Month, Day, Year)
7/13/65

5a. WIFE'S NAME (First, Middle, Last)
Anne C. Smith

5b. MAIDEN SURNAME
Michaels

6a. RESIDENCE - STREET OR NUMBER, CITY
10 Oak Street, Apt # 123

6b. COUNTY
Kent

6c. STATE ZIP
Delaware 19901

7. BIRTHPLACE (State or Foreign Country)
Delaware

8. DATE OF BIRTH (Month, Day, Year)
2/3/64

9a. PLACE OF THIS MARRIAGE - CITY, TOWN, OR LOCATION
Camden

9b. COUNTY
Kent

9c. STATE OR FOREIGN COUNTRY
Delaware

10. DATE OF THIS MARRIAGE (Month, Day, Year)
May 16, 1987

11. DATE COUPLE LAST RESIDED IN SAME HOUSEHOLD
12/31/03

12. NUMBER OF CHILDREN UNDER 18 IN THIS HOUSEHOLD AS OF THE DATE IN ITEM 11
2
Number _____ () None

13. PETITIONER
() Husband (☒) Wife () Both
() Other (Specify)

14a. NAME OF PETITIONER'S ATTORNEY (Type/Print)
n/a

14b. ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code)
n/a

15. I CERTIFY THAT THE MARRIAGE OF THE NAMED PERSONS WAS DISSOLVED (Month, Day, Year)

16. TYPE OF DECREE - Divorce or Annulment (Specify)

17. DATE RECORDED (Month, Day, Year)

DECREE

This section should be left blank and will be completed by the hearing officer.

WHOSE PHYSICAL CUSTODY WAS

Wife _____
Other _____

() No Children
CONTESTED ☐ YES ☐ NO

18. COUNTY OF DECREE

20. TITLE OF COURT

21. SIGNATURE OF CERTIFYING OFFICIAL

22. TITLE OF CERTIFYING OFFICIAL

23. DATE SIGNED (Month, Day, Year)

STATE FILE COPY

ATTORNEY - Complete items 1-14b and 24-27 when filing petition and leave with Clerk of the Court.

CLERK OF THE COURT - After final decree complete item 15-23 and forward to:

Office of Vital Statistics, P.O. Box 637, DOVER, DELAWARE 19903

HUSBAND

24. Number of this Marriage - 1st, 2nd, etc. (Specify below)	25. If Previously Married			26. Race/American Indian, Black, White, etc. (Specify below)	27. Education (Specify highest grade completed)	
	Date of First Marriage (Mth./Day/Year)	Last Marriage Ended by Death, Divorce or Annulment (Specify below)	Last Marriage Ended on: (Mth./Day/Year)		Elementary/Secondary (0-12)	College (1-4 or 5+)
24a. first	25a.	25b.	25c.	26a. white	27a.	2
24b. second	25d. 2/14/85	25e. divorce	25f. 9/9/86	26b. white	27b. 12	

WIFE

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

In re the Marriage of:

Petitioner

v. Respondent

Court Use Only:

Name Anne C. Smith			Name John D. Smith		
Street Address 101 Oak Street			Street Address 490 Pine Street		
Apt. or P.O. Box Number Apt. 123			Apt. or P.O. Box Number		
City Dover	State DE	Zip Code 19901	City Wilmington	State DE	Zip Code 19899
Social Security Number 111-22-3333		Date of Birth 2/3/64	Social Security Number 787-98-6767		Date of Birth 7/13/65
Attorney Name and Phone Number n/a			Attorney Name and Phone Number n/a		

File Number

Petition Number

REQUEST FOR NOTICE

Did your spouse notify you that he/she will pick up a copy of the petition for Divorce/Annulment at the Family Court?

If NO, complete section A and the bottom of the page.
If YES, complete section B and the bottom of the page.

Follow these instructions to complete sections A & B of this form.

TO: Clerk of Court – Divorce

A. PLEASE ISSUE SUMMONS. (Check **ONE)**

☒ Service of a copy of the Summons and Petition shall be effected upon Respondent (my spouse) by delivering copies thereof to Respondent (my spouse) personally.

☐ My spouse does not live in Delaware OR after a reasonable search, I do not know where my spouse lives or receives mail. It is unlikely that my spouse can be personally served. Therefore, please send a copy of the Summons and Petition by certified mail **AT MY EXPENSE** to Respondent (my spouse) at the address specified in the petition and publish notice as provided in 13 Del. C. §1508 in the following newspaper in the county where I am filing this action:

Name of Newspaper

Address of Newspaper

Contact Name

Phone No.

Fax No.

A listing of approved newspapers is available in the Resource Centers.

B. PLEASE WITHHOLD ISSUANCE OF SUMMONS. (Check below)

☐ Respondent (my spouse) has notified me that he/she or his/her attorney will appear in your office at the Family Court to receive a copy of the Petition and will sign an Appearance document. Should Respondent (my spouse) or Respondent's attorney fail to appear, you will receive further direction.

Date: **3/17/04**

Anne C Smith

Petitioner (person filing the Petition) or Petitioner's Attorney

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

AFFIDAVIT OF CHILDREN'S RIGHTS

Check the county in which you are filing.

Petitioner

Anne C. Smith

Respondent

John D. Smith

File Number(s)

Petition Number(s)

STATE OF DELAWARE)

Fill in the county where you are filing,

) ss.

COUNTY OF

Kent

Fill in the date you have the form notarized.

BE IT REMEMBERED, that on this date, March 17, 2004,

Anne C. Smith, ("affiant"), personally appeared before me, a Notary Public for the State and County aforesaid, who, being by me duly sworn according to law, has read or has been advised of the following children's rights:

1. The right to a continuing relationship with both parents.
2. The right to be treated as an important human being, with unique feelings, ideas and desires.
3. The right to continuing care and guidance from both parents.
4. The right to know and appreciate what is good in each parent without one parent degrading the other.
5. The right to express love, affection and respect for each parent without having to stifle that love because of fear of disapproval by the other parent.
6. The right to know that the parents' decisions to divorce was not the responsibility of the child.
7. The right not to be a source of argument between the parents.
8. The right to honest answers to questions about the changing family relationships.
9. The right to be able to experience regular and consistent contact with both parents and the right to know the reason for any cancellation of time or change of plans.
10. The right to have a relaxed, secure relationship with both parents without being placed in a position to manipulate one parent against the other.



Sign in the presence of a notary or court staff.



Anne C. Smith

Affiant



SWORN TO AND SUBSCRIBED before me this date, March 17, 2004

Signed by notary or court staff.

Donna King

Notary Public

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County



Anne C. Smith

Petitioner,

v.

John D. Smith

Respondent.

File No.:

CPI No.:



Check the county in which you are filing.

STIPULATION TO INCORPORATE SEPARATION AGREEMENT

IT IS HEREBY STIPULATED and agreed by and between the Parties that the attached

Separation Agreement, signed by both parties on this day March 14, 2004, be incorporated into the Final Decree of Divorce.



Anne C. Smith

Petitioner

Date: March 14, 2004



Each party must sign in the presence of a notary or court staff. The other party does not have to be present when you sign. The Petitioner and the Respondent do not have to have their signatures notarized by the same notary.



Respondent

Date: March 14, 2004



Fill in the date you have the form notarized.

Sworn to and subscribed before me this date,

Donna Young

March 14, 2004

Notary Public



Signed by notary or court staff.

Sworn to and subscribed before me this date,

Donna Young

March 14, 2004

Notary Public

IT IS SO ORDERED this day _____



Signed and dated by judge.

Judge

The Family Court of the State of Delaware

in and for ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

AFFIDAVIT THAT A PARTY'S ADDRESS IS UNKNOWN

Petitioner			vs.	Respondent			File No.	
Last	First	MI		Last	First	MI	CPI No.	
				Smith	John	D.		

Fill in the county in which you are filing.

State of Delaware
County of Kent

SS.

Fill in the date you have the form notarized.

BE IT REMEMBERED, that on this 17th day of March, 2004, personally appeared before me, a Notary Public for the State and County aforesaid, Anne C. Smith, ("Affiant"), who, being by me duly sworn according to law did depose and say:

The person filling out the form is the "Affiant" and his/her name goes here.

1. My name is Anne C. Smith
2. I do not know the current address and/or telephone number, nor do I know anyone who could provide me with the current address and/or telephone number of John D. Smith. I have contacted his/her (Please check as appropriate) ☐ Parent ☐ Spouse ☐ Employer ☒ Other: Respondent's Brother. His/Her last known address and telephone number were:

490 Pine Street
Wilmington, Delaware 19899

Fill in the date that the Respondent last lived at the above address.

as of January 10, 2004

3. I have had no contact with him/her since January 1, 2004.
4. I have been informed of my responsibility to accomplish publication and my failure to do so will result in the petition being dismissed.
5. The information contained herein is true and correct to the best of my knowledge and belief.



Sign in the presence of a notary.



Anne C. Smith

Affiant

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.



Signed by notary or court staff.

Donna King

Notary Public

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

AFFIDAVIT THAT A PARTY'S SOCIAL SECURITY NUMBER IS UNKNOWN



Petitioner

Respondent

File Number: _____

Anne C. Smith

vs.

John D. Smith

Petition Number: _____



1. My name is Anne C. Smith and I am the Petitioner in this action for Divorce.



2. I do not know and after good faith effort cannot obtain the social security number of John D. Smith, who is the Respondent in this action.



3. The following applies:

- ☒ I do not know the respondent's whereabouts and have no way to locate him/her. I have not had contact with the respondent since January 1, 2004.
- ☒ I have been unsuccessful in obtaining the respondent's social security number making the following attempts:

Fill in the date you last had contact with the Respondent.



I reviewed our old financial records and contacted his employer, but I was unable to get his social security number.

Explain what attempts you have made to obtain the Respondent's social security number. Remember that you should not fill out this form until you have attempted to locate the social security number.



March 17, 2004

Date

Anne C. Smith

Petitioner's Signature

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

IN RE THE MARRIAGE OF



Anne C. Smith

Petitioner,

and

John D. Smith

Respondent,

File No.: _____

Petition No.: _____

Check the county in which you are filing.

WAIVER OF RIGHTS UNDER THE "SERVICEMEMBERS CIVIL RELIEF ACT"

STATE OF DELAWARE

Kent

COUNTY

Check the county in which you are filing.

ss.

Fill in the date you have the form notarized.

BE IT REMEMBERED, that on this date, March 25, 2004, personally appeared before me, a Notary Public for the State of Delaware in the County declared above, John D. Smith, ("Affiant"), who, being duly sworn by me according to law, did depose and say:

1. That Affiant is the Respondent in the above captioned case.
2. That Affiant is active duty in the United States military: a
3. The Affiant waives his/her rights under the "Servicemembers Civil Relief Act" and so acknowledges that he/she, or his/her attorney, will be required to appear at all legal proceedings associated with the above captioned case.

The "Affiant" is the Respondent. ONLY the Respondent may complete this form. If you are the Petitioner in this proceeding, you may not fill out this form.



Sign in the presence of a notary or court staff.

John D. Smith

Respondent ("Affiant")

SWORN TO AND SUBSCRIBED before me this date, March 25, 2004



Signed by notary or court staff.

Donna Young

Notary Public or Clerk of Court

SECTION 2

PARENT EDUCATION CLASS

Only Complete This Section If You And Your Spouse Are Parents Of A Child(ren) Under The Age Of 18.

If You And Your Spouse Do Not Have Children Under The Age Of 18 Together, Go To Section 3.

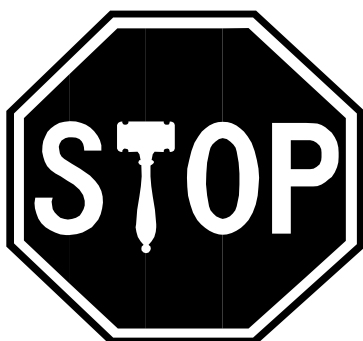


You **MUST** file the certificate below:



Certificate(s) of Completion of Parent Education Class

All divorcing parents must take a Parent Education Class. If your child(ren) is between the ages of **8 and 16**, they must also attend the class. A listing of available classes is available at the Family Court Resource Centers. Once you and your children have completed the Parent Education Class, a Certificate(s) of Completion of Parent Education Class will be given to you. You must file the **ORIGINAL** copy(ies) of the Certificate of Completion of Parent Education Class with the Family Court. **YOU CANNOT PROCEED WITH THE DIVORCE PROCESS UNTIL THE CERTIFICATE OF COMPLETION OF PARENT EDUCATION CLASS HAS BEEN FILED WITH THE COURT.**



**YOU DO NOT HAVE TO
BEGIN SECTION 3 UNTIL
YOUR PETITION BECOMES TRIAL-READY.**

SECTION 3

PETITION IS TRIAL-READY



You cannot proceed with the divorce process until your Petition for Divorce/Annulment becomes **trial-ready**. Your petition is trial-ready when the following jurisdictional requirements have been met:

- ☐ You and your spouse have been **separated for at least 6 MONTHS**, unless you are filing on the grounds of misconduct, then you do not have to be separated for any specified period of time. However, be aware that you must prove any allegations of misconduct by presenting evidence of the misconduct to the Court before a divorce will be granted on this ground.
- ☐ Your spouse was **served** with the Petition for Divorce/Annulment.
- ☐ You and your child(ren) have completed the required **Parent Education Classes** and filed the **ORIGINAL** Certificate of Completion with the Court.



Once your Petition for Divorce/Annulment is trial-ready, you will receive a **Notice** from the Court telling you that your petition is trial-ready and that you can proceed with the divorce process. The type of notification that you will receive will depend upon what type of divorce proceeding you requested on your Petition for Divorce/Annulment. The following pages will describe the type of notification you will receive and the steps that you must follow for each type of divorce proceeding. **REMEMBER**, that you can proceed with either type of uncontested divorce regardless of what you selected on your petition. If you change your mind regarding the type of divorce proceeding that you would like to file, be sure to submit the appropriate papers with the Court.

DIVORCE DECIDED ON THE PAPERS



If the petition is uncontested and you marked on your Petition for Divorce/Annulment that you wanted the Court to proceed without a hearing, solely on the papers, you will receive a **Notice of Trial-Readiness** telling you that your petition is trial-ready and that you have **20 days** to file the following forms.



Request to Proceed Without a Hearing. (*file original and mail one copy to the Respondent*)

- You must file this form **within 20 days of the date on the Notice of Trial-Readiness** (not the date you received it in the mail). If you fail to file this request within the allotted time, your Petition for Divorce/Annulment will be scheduled for a hearing and you will have to appear in court to obtain your divorce.
- You must **attach a copy of the Notice of Trial-Readiness** to your Request to Proceed Without a Hearing.
- You may **NOT** file this form **until** your Petition for Divorce/Annulment is trial-ready and you **have received the Notice of Trial-Readiness**. If you file this form **BEFORE** you receive the Notice informing you that your petition is trial-ready, the matter will be **scheduled for a hearing** and you will have to appear in court to get your divorce or annulment.
- You **MUST** mail a copy of this form and the Affidavit in Support of the Request to Proceed Without a Hearing to the Respondent. Then, complete the Affidavit of Mailing section on this form informing the Court that you sent a copy to the Respondent.
- You **MUST** file this form with an **Affidavit in Support of the Request to Proceed Without a Hearing**.



Affidavit in Support of the Request to Proceed Without a Hearing (*file original and mail one copy to the Respondent*)

- This document **MUST** be filed with the Request to Proceed Without a Hearing. On this document you are swearing that the information contained in the Petition for Divorce/Annulment and in the affidavit is true. The Court will rely on this information when making a determination regarding your divorce petition. Be accurate and honest.
- Only respond to question #5 if the Respondent **IS** in the military and has **NOT** responded **IN ANY WAY** to the Petition for Divorce/Annulment.
- Delaware law requires that you and your spouse have lived “separate and apart” for 30 days before the Court grants a divorce. You and your spouse may reside in the same house, **BUT THE COURT CANNOT CONSIDER WHETHER TO GRANT YOUR PETITION FOR DIVORCE IF YOU AND YOUR SPOUSE HAVE OCCUPIED THE SAME BEDROOM OR HAD SEXUAL RELATIONS WITH EACH OTHER WITHIN THE 30 DAYS PRIOR TO THE COURT GRANTING YOUR DIVORCE.** If you and your spouse have not lived separate and apart for the past 30 days, **DO NOT** file this affidavit. Failure to adhere to this requirement may mean that your divorce is invalid (in other words, your divorce may not be valid and you may still be married to your spouse).



Once you have properly filed the Request to Proceed Without a Hearing and the Affidavit in Support of the Request, all of your filings will be forwarded to a Commissioner. The Commissioner will decide whether to grant your Petition for Divorce/Annulment based upon the information contained in the papers you have filed.



If the Court **GRANTS** your Petition for Divorce/Annulment you will receive a copy of the Commissioner's Order and the Decree of Divorce/Annulment in the mail. A copy of the Order and Decree will also be sent to the Respondent. If you or your spouse have requested that the Court retain jurisdiction over ancillary matters, you will also receive a paper telling you the ancillary matters that the Court will decide.



If the Court **DOES NOT GRANT** your divorce two things can happen.

- The Commissioner can deny your Petition for Divorce/Annulment because the statutory requirements for granting a divorce were not met and you and your spouse will continue to be married, **OR**
- The Commissioner can schedule a hearing to take testimony and other evidence from the parties to determine if the statutory requirements have been met. If your Petition for Divorce/Annulment is scheduled for a hearing, you will be notified by mail of the time and date of your hearing.

DIVORCE DECIDED AT A HEARING



If the petition was uncontested and you marked on your Petition for Divorce/Annulment that you wanted to proceed with a hearing **OR** if the Respondent **contested** the divorce petition, you will receive a **Notice of Hearing** notifying you of the date of your hearing. You must come to Court on the day of your hearing for your Petition for Divorce/Annulment to be granted. If you fail to appear at the hearing, the Court may dismiss your petition and you will have to start the process over and pay the filing fee again.




If, **AFTER you have received a Notice of Hearing**, you change your mind and decide to proceed on the papers without having a hearing, you may file a Request to Proceed Without a Hearing and the accompanying Affidavit anytime **at least 7 days prior** to the scheduled hearing. You must also file a copy of the **Notice of Hearing** that you received from the Court. You must **mail a copy** of the Request to Proceed Without a Hearing to the other party and provide the Court with verification that you have done so. **BE AWARE**, if you file this request **WITHIN** the 7 days prior to your hearing, the Court **CANNOT** cancel your hearing and it **WILL BE HELD** as scheduled. **You will not receive any further notification from the Court that your hearing is taking place as scheduled.** If you fail to appear at the hearing your petition could be **dismissed** and you would have to start all over by filing a new petition and paying a new filing fee. Be very careful to file **at least 7 days prior** to the scheduled hearing date. Assistance in calculating the date you can file is available in the Resource Centers in each Courthouse.




Complete the following form and bring it to Court with you on the day of your hearing.

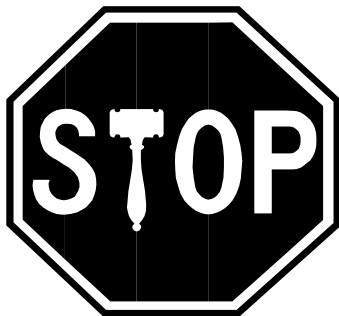
 **Affidavit of Non-Military Service** form.

- **ONLY** complete this form if the Respondent(s) is **NOT** in the military.

 Delaware law requires that you and your spouse have lived “separate and apart” for 30 days before the Court grants a divorce. You and your spouse may reside in the same house, **BUT THE COURT CANNOT GRANT YOUR PETITION FOR DIVORCE IF YOU AND YOUR SPOUSE HAVE OCCUPIED THE SAME BEDROOM OR HAD SEXUAL RELATIONS WITH EACH OTHER WITHIN THE 30 DAYS PRIOR TO YOUR HEARING.** Failure to adhere to this requirement may mean that your divorce is invalid (in other words, your divorce may not be valid and you may **still** be married to your spouse).

 If the Court grants your Petition for Divorce/Annulment you will receive a copy of the Commissioner’s Order and the Decree of Divorce/Annulment in the mail. A copy of the Order and Decree will also be sent to the Respondent. If you or your spouse have requested that the Court retain jurisdiction over ancillary matters, you and the Respondent will also receive a document detailing the ancillary matters over which the Court has retained jurisdiction.

**SECTION 4 BEGINS AFTER THE
SAMPLE FORMS FOR SECTION 3.**



**IF YOU HAVE NOT REQUESTED
ANCILLARY RELIEF, THIS IS THE
END OF THE DIVORCE PACKET. IF
YOU HAVE, BEGIN SECTION 4
IMMEDIATELY AFTER YOU RECEIVE
YOUR DIVORCE DECREE**

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county where you are filing the form.

REQUEST TO PROCEED WITHOUT A HEARING

Petitioner

Name Anne C. Smith		
Street Address 10 Oak Street		
Apt. or P.O. Box Number Apt. #123		
City 	State DE	Zip Code 19901
Date of Birth 	Social Security # 111-22-3333	

Respondent

Name John D. Smith		
Street Address 490 Pine Street		
Apt. or P.O. Box Number 		
City Wilmington	State DE	Zip Code 19899
Date of Birth 7/13/65	Social security # 787-98-6767	

File Number:

CK04-12111

Petition Number:

04-36000

The file number and petition number can be found on the Notice of Petition for Divorce/Annulment sent to you by the Court.

1. I, the above named Petitioner, request that the Family Court decide the Petitioner's Divorce/Annulment without conducting a hearing and requiring the Petitioner to personally appear before the Court, pursuant to Title 13, Section 1517(a) of the Delaware Code. Attached to this request and incorporated by reference is the Affidavit in Support of Request to Proceed Without a Hearing which reaffirms the Petition for Divorce/Annulment and verifies service of process and military service.

2. I have attached a copy of the Notice of Trial-Readiness or the Notice of Hearing sent to me by the Court.

Complete the Affidavit of Mailing after you have mailed a copy of this paper to the other party.

Anne C. Smith

Petitioner

Affidavit of Mailing

I, the movant, affirm that a true and correct copy of this Request To Proceed Without a Hearing and the Affidavit In support of Request To Proceed Without a Hearing were placed in the U.S. Mail on **June 29, 2004** and sent to the other party or attorney listed on the petition, being, **John D. Smith** first class postage

pre-paid.

SWORN TO AND SUBSCRIBED
before me this date,



Sign in the presence of a notary or court staff.

Anne C. Smith

Movant/Attorney

June 29, 2004



Donna King
Notary Public

Signed by notary or court staff.

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

IN RE THE MARRIAGE OF

Anne C. Smith

Petitioner

and

John D. Smith

Respondent

File No. _____

Petition No. 04-36000

Check the county where you are filing the form.

The file number and petition number can be found on the Notice of Trial-Readiness sent to you by the Court.

Fill in the county where you are filing,

AFFIDAVIT IN SUPPORT OF QUEST TO PROCEED WITHOUT A HEARING

STATE OF DELAWARE

KENT

COUNTY

SS.

Fill in the date you have the form notarized.

BE IT REMEMBERED, that on this date June 29, 2004, personally appeared before me, a

Notary Public for the State and County declared above, Anne C. Smith, ("Affiant"), who, being duly sworn by me according to the law, did depose and say:

1. That Affiant is the Petitioner in this Petition for Divorce/Annulment;
2. That Affiant requests that the Family Court enter a Decree for Divorce/Annulment thereby divorcing the Petitioner and Respondent from the bonds of matrimony or annulling the marriage;
3. That all of the allegations made in the Petition for Divorce/Annulment continue to be true;

That Respondent was given notice of the Petition for Divorce/Annulment; and

that in accordance with the provisions of the "Servicemembers Civil Relief Act" the following are true.
Check ALL that apply.

- ☒ Respondent is in the United States Military.
☐ Respondent has **NOT** filed an Answer to the Petition for Divorce/Annulment.
☐ Respondent has **NOT** filed a waiver of his/her rights under the Servicemembers Civil Relief Act in conjunction with this case; and

6. That Affiant and Respondent have continued to be separated since 01/01/04; and not occupied the same bedroom or had sexual relations with each other in the past 30 days and will not occupy the same bedroom or have sexual relations with each other before the divorce. Affiant understands that occupying the same bedroom or having sexual relations with before the divorce decree is entered could render the divorce voidable.

Fill in the date that you and your spouse separated.



Sign in the presence of a notary or court staff.



Anne C. Smith

Petitioner ("Affiant")

SWORN TO AND SUBSCRIBED before me on this date June 29, 2004

Signed by notary or court staff.



Donna King

Notary Public or Clerk of Court

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

In re the Marriage of:
Petitioner

Respondent

Name	Anne C. Smith	
Street Address	10 Oak Street	
Apt. or P.O. Box Number	Apt. #123	
City	State	Zip Code
Dover	DE	19901
Social Security Number	Date of Birth	
111-22-3333	2/3/64	
Attorney Name and Phone Number		
n/a		

Name	John D. Smith	
Street Address	490 Pine Street	
Apt. or P.O. Box Number		
City	State	Zip Code
Wilmington	DE	19899
Social Security Number	Date of Birth	
787-98-6767	7/13/65	
Attorney Name and Phone Number		
n/a		

File Number
CK04-12111
Petition Number
04-36000

The section below is to be completed by and signed in the presence of a Notary Public/Clerk of Court on the day of your Divorce/Annulment Hearing.

Fill in the county where you are filing,

AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF DELAWARE)

COUNTY)

SS.)

Fill in the date you have the form notarized.

BE IT REMEMBERED, that on this date, July 1, 2004, personally appeared Before me, a Notary Public for the State of Delaware in the County declared above, Anne C. Smith, ("Affiant"), who, being duly sworn by me according to law, did depose and say:

1. That Affiant is the Petitioner in the Petition for Divorce/Annulment;
2. That Respondent is not in the military service of the United States of America; and
3. That Affiant has made this Affidavit pursuant to the provisions of § 200 of the Act of Congress entitled "Soldiers and Sailors Civil Relief Act of 1940" (50 U.S.C.A. App. 520) approved October 17, 1940.



Sign in the presence of a notary or court staff on the day of your hearing.



Anne C. Smith

Petitioner

SWORN TO AND SUBSCRIBED before me this date, July 1, 2004



Signed by notary or court staff.

Donna King


Notary Public or Clerk of Court


Section 4

RULE 16(c) FINANCIAL REPORT

Begin Immediately After Receiving Your Divorce Decree.


**Only Complete This Section If You Or Your Spouse
Requested Property Division And/Or Alimony.**

 The Rule 16(c) Financial Report is a financial form on which both spouses have to provide the Court and each other information about their finances. Both parties must complete the **SAME** form. Pay careful attention to the instructions so you understand the process, which is **different** than other forms. The two steps for completing the Rule 16 (c) Financial Report are described on the following pages.

 The person who requested the Court make a decision on **ANY** of the following ancillary matters must complete the form **first**:

- Division of marital property;
- Division of marital debts; **AND/OR**
- Payments of alimony.

The person who completes the form **FIRST** is the “**Petitioner**” (for the purposes of completing this form **ONLY**), even if this person is not the person who filed the Petition for Divorce/Annulment. The Petitioner must complete all sections pertaining to the “Petitioner,” while the person who did **NOT** make such requests would be the “**Respondent**” and must complete all sections pertaining to the “Respondent.”

 If **BOTH** of you requested that the Court make a decision on ancillary matters, the person who filed the Petition for Divorce/Annulment is the “**Petitioner**” (for purposes of completing this form as well).

STEP ONE



The person who is the Petitioner for the purposes of this form **has 30 days AFTER the date that the Divorce Decree is signed by a Commissioner** to complete the following papers:



Rule 16 (c) Financial Report form (*forward original to your spouse.*)

- This is a very long form. Allow yourself enough time to fill in all the necessary information carefully and accurately.
- **REMEMBER**, only fill in the portions of the form that are labeled Petitioner (P).
- On the last page of the Rule 16 (c) Financial Report, you are asked to list the proposed division of property and debts. In other words, you tell the Court how you think the property and debts should be divided. If you do not think that there is enough room in the provided box, you may write in the box “see attached” and write how you think the property should be divided on a separate piece of paper.
- After the Petitioner completes the Rule 16(c) Financial Report, he/she must sign it in the presence of a notary.
- The Petitioner must forward the **ORIGINAL** notarized Rule 16(c) Financial Report to the Respondent (the other party) or the Respondent’s attorney (if there is one).
- Before forwarding the original Rule 16(c) Financial Report, the Petitioner should make a **COPY** of the original and retain it for his/her records. This is **VERY IMPORTANT** in case the Respondent does not file the original with the Court.



Affidavit of Mailing Form *(file original only)*

- **AFTER** the Petitioner forwards the original Rule 16(c) Financial Report to the Respondent, he/she must complete the Affidavit of Mailing swearing under oath that he/she mailed the original to the Respondent or the Respondent's attorney, and file the Affidavit with the Court.

STEP TWO



The person who is the Respondent for the purposes of this form **has 30 days AFTER the date of mailing (look at postage date on the Rule 16 (c) Financial Report)** to file the following papers:



Rule 16 (c) Financial Report form *(file original and mail copy to Petitioner)*

- Once the Respondent receives the Rule 16(c) Financial Report from the Petitioner, he/she must complete the Respondent's portion of it and sign it in the presence of a notary.
- On the last page of the Rule 16 (c) Financial Report, you are asked to list the proposed division of property and debts. In other words, you tell the Court how you think the property and debts should be divided. If you do not think that there is enough room in the provided box, you may write in the box "see attached" and write how you think the property should be divided on a separate piece of paper.
- The Respondent must **file the ORIGINAL** notarized Rule 16(c) Financial Report with the Court **AND** forward **a copy** to the Petitioner or the Petitioner's attorney (if there is one).
- Before filing the original Rule 16(c) Financial Report with the Court, the Respondent should make a second copy and retain it for his/her records.



Affidavit of Mailing Form *(file original only)*

- **AFTER** the Respondent forwards a copy of the Rule 16(c) Financial Report to the Petitioner, he/she must complete the Affidavit of Mailing swearing under oath that he/she mailed a copy to the Petitioner or the Petitioner's attorney.

Additional Instructions for Completing the Rule 16 (c) Financial Report



The whole form **MUST** be completed. Both parties must fill out the Rule 16 (c) Financial Report completely. Even if there is something that you do not want the other party to know you must put it on the form anyway or contact the Court by **Motion immediately** to tell the Court why you think that information should not be on the form. Please see the Motion Instruction Packet for more information about filing a Motion. The Court will decide if you must put the information on the Rule 16 (c) Financial Report. **DO NOT WAIT UNTIL YOUR 30 DAYS HAVE PASSED TO FILE YOUR MOTION WITH THE COURT.**




If you do not fill out the Rule 16 (c) Financial Report or if you hide property from your former spouse and the Court, the Court can impose the following **SANCTIONS** (penalties):

- Order you to pay your former spouse's attorney fees;
- Accept your former spouse's information on the form as true and ignore any information you may have; or
- Enter a **Default Judgment** or **Dismissal** against you. In other words, you could lose.




If neither party files the Rule 16 (c) Financial Report in a timely manner, then the request for the Family Court to determine the ancillary matters will be dismissed.

 If one party does not file the Rule 16 (c) Financial Report, the Family Court may grant a **Default Judgment** or **Dismissal** against him/her. In other words, that party may lose. The Court may also impose the same penalties stated above for not completing the form. If your former spouse fails to file Rule 16 (c) Financial Report, you may be directed by the Court to file the following document. You may also be asked to submit a copy of the Rule 16 (c) Financial Report you filled out.



Form of Order (*file original only*)

- On this document, you tell the Judge what you would like him/her to order by writing a **proposed order** for the judge to sign. You must write down how you want the Court to divide your marital property/debts and/or how much alimony should be paid.
- Be specific in what you write because the judge may sign the Form of Order exactly how you have written it, making what you have written an **enforceable Court Order**.
- **DO NOT FILE THIS DOCUMENT UNTIL DIRECTED BY THE COURT TO DO SO.** This document is only filed **IF** your former spouse fails to file the Rule 16 (c) Financial Report in a timely manner.
- This document is **NOT** found in the Forms Packet. It is available in the Resource Centers and on the Family Court Website.

 If you **REALLY** have tried to finish the Rule 16 (c) Financial Report Form but you cannot, you may request the Court to give you more time by filing a **Motion**. Please see the **Motion Instruction Packet** for more information about filing a Motion. It is up to the Court to decide whether you will get more time and you must have a good reason for the request. Not completing the Rule 16 (c) Financial Report Form because you did not feel like doing it or you did not find

the time to complete it, is not a good reason and the Court probably will not give you more time.

**SECTION 5 BEGINS AFTER
SAMPLES OF THE SECTION 4 FORMS**



**SECTION 5
DESCRIBES WHAT TO
EXPECT NEXT.**

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

RULE 16(c) FINANCIAL REPORT

PROPERTY DIVISION, ALIMONY, COUNSEL FEES

Date that
Commissioner
signed the
Divorce Decree

To be completed
by the party that is
the Petitioner for
purposes of filing
this form.

DATE OF MARRIAGE: May 16, 1987
DATE OF SEPARATION: January 1, 2004
DATE OF DIVORCE: July 7, 2004

CASE NAME: Smith v. Smith
FILE NUMBER: CK04-12111
PETITION NUMBER: 04-36000

PETITIONER'S NAME:	Anne C. Smith
ADDRESS:	10 Oak Street, Apartment # 123 Dover, Delaware 19901
SOCIAL SECURITY NUMBER:	111-22-3333
DATE OF BIRTH:	2/3/64
HOME PHONE:	(302) 555-1111
WORK PHONE:	(302) 555-9999
EMPLOYER NAME:	ABC Child Care
EMPLOYER ADDRESS:	500 Pine Street Dover, DE 19904
YEARS EMPLOYED:	7 years
POSITION OR OCCUPATION:	Pre-school teacher
CURRENT ANNUAL INCOME:	\$28,400.00
PETITIONER'S ATTORNEY:	none
ATTORNEY'S ADDRESS:	N/A
PHONE #:	N/A
FAX #:	N/A
E-MAIL ADDRESS (optional):	N/A

RESPONDENT'S NAME:
ADDRESS:
SOCIAL SECURITY NUMBER:
DATE OF BIRTH:
HOME PHONE:
WORK PHONE:
EMPLOYER NAME:
EMPLOYER ADDRESS:
YEARS EMPLOYED:
POSITION OR OCCUPATION:
CURRENT ANNUAL INCOME:
RESPONDENT'S ATTORNEY:
ATTORNEY'S ADDRESS:
PHONE #:
FAX #:
E-MAIL ADDRESS (optional)



Respondent will fill out
this side of the page.

A. Names and dates of birth of minor children of the parties. Indicate with whom the child(ren) primarily reside: Mother (M); Father (F); Shared (S).

(P)

Doug A. Smith	10/14/91	(M)
Mary J. Smith	4/17/96	(M)

(R)

B. Names and dates of birth of any adult children residing with either party. Indicate whether the child is enrolled in school.

(P)

N/A

(R)

FILM

C. Describe your employment history for the past five years. Include the name of each employer, the dates of employment, the last annual income with each employer, and the reason employment ended. Start with your most recent employer.

PETITIONER (P):
EMPLOYER

DATES OF EMPLOYMENT
START DATE END DATE

ENDING
ANNUAL INCOME

REASON FOR LEAVING

ABC Child Care	8/1/97	Present	\$28,4000	Still at job.

RESPONDENT (R):
EMPLOYER

DATES OF EMPLOYMENT
START DATE END DATE

ENDING
ANNUAL INCOME

REASON FOR LEAVING



Respondent will fill out
ALL sections labeled
with an (R).

D. Do you have health/dental insurance benefiting you, your spouse and/or children of this marriage?

(P) ☒ YES ☐ NO

(R) ☐ YES ☐ NO

If so, please state the name of your insurance company, the group and member numbers and cost:

(P)

Insurance Company:	Blue Cross/Blue Shield
Group Number:	876T
Member Number:	897654321
Monthly Cost:	\$146.00

(R)

Insurance Company:	
Group Number:	
Member Number:	
Monthly Cost:	

E. Does your employer offer a qualified and/or non-qualified pension plan?

(P) ☐ YES ☒ NO

(R) ☐ YES ☐ NO

Are you a participant in any pension and/or retirement plan at your current place of employment?

(P) ☐ YES ☒ NO

(R) ☐ YES ☐ NO

Were you a participant in any other pension and/or retirement plan(s) through previous employment?

(P) ☐ YES ☒ NO

(R) ☐ YES ☐ NO

If so, please state the name(s) of all plan(s), plan administrator(s), address(es) and phone number(s) in which you are a participant:

(P)

(R)

FILM

F. Do you have any other deductions from your pay (not including taxes), such as union dues, mandatory pension deductions, or other?

(P) ☒ YES ☐ NO

(R) ☐ YES ☐ NO

If so, please identify the deduction and monthly cost:

DEDUCTION	MONTHLY COST
Education Assoc. Dues	\$15.00

DEDUCTION	MONTHLY COST

G. Do you participate in or own any life insurance on your life?

(P) ☐ YES ☒ NO

(R) ☐ YES ☐ NO

If so, please state the following:

Name of Plan	Policy Number	Type*	Beneficiary	Face Value	Cash Surrender Value	Monthly Cost	Basis for Non-Marital Claim

* Type: W= Whole Life T= Term E= Employer

H. Do you claim any inability to pay support due to ill health, disability or extraordinary expenses which results in dependency upon the other party for support and/or impairment of earning capacity?

(P) ☐ YES ☒ NO

(R) ☐ YES ☐ NO

If yes, please provide below the name and address of all treating physicians and state the nature of the disability:

(P)

(R)

I. Are you receiving any income from benefits such as Social Security retirement, Social Security Disability (SSDI), VA benefits, federal pension (CSRS or FERS), private disability or military pension?

(P) ☐ YES ☒ NO

(R) ☐ YES ☐ NO



If so, please indicate from where you receive the benefit(s) and the monthly amount:

BENEFIT	MONTHLY COST

BENEFIT	MONTHLY COST

J. During the last five (5) years, have you given, transferred, or entrusted your property (including cash) in excess of \$1000.00 in the aggregate to anyone other than a party to this proceeding?



(P) ☒ YES ☐ NO

(R) ☐ YES ☐ NO

If so, please name the recipient of each item and describe the item and its value:

(P)

I loaned my sister \$2,500.00 for college expenses.

(R)

Consult financial records including W-2s and tax forms to obtain this information.

INCOME INFORMATION

K. List annual gross income from all sources for last three years, including estimated gross income for current year:

PETITIONER

3 years ago	\$24,500
2 years ago	\$26,100
1 year ago	\$27,200
Current	\$28,400

RESPONDENT

3 years ago	\$
2 years ago	\$
1 year ago	\$
Current	\$

ASSETS OF THE PARTIES

“Assets” include all assets (property) of any kind, including real estate, and tangible and intangible personal property (such as bank accounts, stocks, bonds, etc.). Unless you explain otherwise, it will be presumed that you are the sole legal owner of any asset(s) identified in your answers. If you are not the sole legal owner, please explain the nature and extent of your ownership, including the name of all co-owners. **If the space provided is insufficient, please attach additional pages, indicating whether the attachment is supplied by Petitioner or Respondent.**

All property will be considered marital and subject to division unless a party indicates to the contrary. Such an indication must be made by listing one of the following reasons for claiming the property is non-marital under the “Basis for Non-Marital Claim” category:

- Premarital** (Property owned by a party before marriage).
- Agreement** (Property excluded by agreement of the parties).
- Post-Separation** (Property acquired after separation).
- Exchange** (Property acquired in exchange for premarital property).
- Increase** (The increase in value of property acquired before marriage).
- Gift** (Property acquired by gift from a third person).
- Inheritance** (Property acquired by inheritance).

PLEASE COMPLETE THE FOLLOWING INFORMATION:



REAL PROPERTY

L. Interests in real estate:

If you think that an asset is not marital property, indicate which category of non-marital property it is. Categories are listed on the previous page.

Address	In Whose Name	Market Value	Mortgage Balance	Source of funds for purchase	Basis for Non-Marital Claim
490 Pine Street Wilmington, Delaware 19899	(J)	(P) \$141,875.00 (R)	\$83,980.00	Loans	None
		(P) (R)			
		(P) (R)			



MOTOR VEHICLES

M. Automobiles, trailers, motorcycles, and other vehicles:

Respondent will fill in the value in this column.

Make, Model & Year	In Whose Name	Date Acquired	Value by Petitioner*	Value by Respondent*	Balance on Loan	Who drives?	Basis for Non-Marital Claim
1998 Honda Accord	(J)	July 2000	\$8,400.00		\$1,547.65	(P)	None
1999 Chevy Trailblazer	(J)	Nov 2002	\$7,100.00		\$2,912.04	(R)	None

* NOTE: The Court generally uses the current retail NADA book value for automobiles



BANK ACCOUNTS

N. Checking accounts, savings accounts, certificates of deposit:

Name and Address of Institution	Account Number	Present Value	In Whose Name	Basis for Non-Marital Claim
SavingsTrust, 800 Market Street, Wilmington	98645230007	\$483.78	(J)	None

**RETIREMENT PLAN(S)**

O. Profit sharing plans and/or retirement plans (other than your pension) such as an IRA:

Name of Plan	In Whose Name	Value of Plan & Date of Value	Does the Non-contributor Claim a Share of Post-Separation Contributions?	Basis for Non-Marital Claim
Investment Inc. IRA	(R)	\$26,942.65 as of July 29, 2004	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	None
			Y <input type="checkbox"/> N <input type="checkbox"/>	
			Y <input type="checkbox"/> N <input type="checkbox"/>	
			Y <input type="checkbox"/> N <input type="checkbox"/>	
			Y <input type="checkbox"/> N <input type="checkbox"/>	

**INVESTMENTS**

P. Stocks, mutual funds, securities, bonds and options:

Corporation	Shares	Class	In Whose Name	Date Acquired	Market Value	Basis for Non-Marital Claim
N/A						

**ANNUITIES**

Q. Annuities:

Name and Address of Company	Amount of Payment	Date of First Payment	Duration of Payments	Beneficiary upon Death	In Whose Name	Basis for Non-Marital Claim
N/A						



R. If you have any interest in any business, please state:

BUSINESSES

Respondent
will fill in this
column.



PETITIONER

RESPONDENT

NAME OF BUSINESS:	N/A
ADDRESS:	
PERCENTAGE OF INTEREST OF BUSINESS:	
YEARS OF OPERATION:	
NAME OF ACCOUNTANT:	
ACCOUNTANT'S ADDRESS:	
BASIS FOR CLAIM THAT PROPERTY IS NON-MARITAL:	
ARE THERE ANY BUY/SELL AGREEMENTS?	Y <input type="checkbox"/> N <input type="checkbox"/>

NAME OF BUSINESS:	
ADDRESS:	
PERCENTAGE OF INTEREST OF BUSINESS:	
YEARS OF OPERATION:	
NAME OF ACCOUNTANT:	
ACCOUNTANT'S ADDRESS:	
BASIS FOR CLAIM THAT PROPERTY IS NON-MARITAL:	
ARE THERE ANY BUY/SELL AGREEMENTS?	Y <input type="checkbox"/> N <input type="checkbox"/>

HOUSEHOLD FURNISHINGS AND BELONGINGS

If the parties do not agree how to divide their household furnishings and belongings, the Court generally divides them by the "two-list" method. One party prepares two lists dividing all of the marital furnishings and belongings. The other party chooses which of the two lists of household furnishings and belongings he or she will keep. The party who prepared the two lists will keep the household furnishings and belongings listed on the remaining list.

PETITIONER

RESPONDENT

The household furnishings and belongings: have been divided

☒ Yes ☐ No

☐ Yes ☐ No

will be divided by the

"two-list" method ☐ Yes ☐ No

☐ Yes ☐ No

An asset is
anything of value
owned by you
and your former
spouse.

OTHER ASSETS

S. Other Asset:

In Whose Name

Value

N/A		



DEBTS OF THE PARTIES

T. Please complete the chart below regarding **ALL** of the debts incurred during this marriage

Write the name of the creditor (the institution, company, person, etc.) to whom money is owed	Write the name of the person responsible to the creditor	Write the general purpose of the debt incurred (why was the money borrowed?)	Write the date the debt was incurred	Write the amount of money owed on the date of separation	Write the amount of money owed on the date of divorce	Would you like credit for the money you paid after the date of separation? If so, how much?
1) Mastercard	Anne and John	Household purchases	Over past ten years	(P) \$2,731.06 (R)	(P) \$5,099.75 (R)	(P) No (R)
2) Lowes Credit Card	Anne and John	Household purchases	Over past two years	(P) \$900.14 (R)	(P) \$450.14 (R)	(P) \$450.00 (R)
3) Loan on Honda	Anne and John	Purchase Car	July 2000	(P) \$2,751.34 (R)	(P) \$1,547.65 (R)	(P) \$1,203.69 (R)
4) Loan on Trailblazer	Anne and John	Purchase Car	Nov. 2002	(P) \$4,401.88 (R)	(P) \$2,912.04 (R)	(P) No (R)
5)				(P) (R)	(P) (R)	(P) (R)
6)				(P) (R)	(P) (R)	(P) (R)
7)				(P) (R)	(P) (R)	(P) (R)
8)				(P) (R)	(P) (R)	(P) (R)
9)				(P) (R)	(P) (R)	(P) (R)
10)				(P) (R)	(P) (R)	(P) (R)
11)				(P) (R)	(P) (R)	(P) (R)
12)				(P) (R)	(P) (R)	(P) (R)
13)				(P) (R)	(P) (R)	(P) (R)
14)				(P) (R)	(P) (R)	(P) (R)
15)				(P) (R)	(P) (R)	(P) (R)



PETITIONER'S EXPENSE INFORMATION

List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months) and estimated monthly expenses for the next year, including any expenses that have recently changed or are expected to change in the near future.

ITEM	CURRENT EXPENSES	ESTIMATED EXPENSES
Rent	\$625.00	\$800.00
Mortgage (taxes, insurance and escrow)	0	0
Water	0	0
Sewer	0	0
Electric	\$95.00	\$95.00
Gas	\$45.00	\$80.00
Oil	0	0
Garbage	0	0
Cable television	\$65.00	\$65.00
Telephone	\$25.00	\$65.00
Household items	\$45.00	\$45.00
Household maintenance and repairs (list)		
Item:	0	0
Item:	0	0
Groceries	\$250.00	\$250.00
Clothing	\$50.00	\$50.00
Health Insurance (COBRA)	\$146.00	\$158.00
Out-of-pocket medical and dental expenses for self	\$14.00	\$14.00
Medical and dental expenses for the children	\$40.00	\$40.00
Work-related child care	0	0
School tuition for children of the parties	0	0
School tuition for other children	0	0
Laundry and dry cleaning	\$15.00	\$15.00
Toys and presents	\$50.00	\$50.00
Cosmetics and toiletries	\$20.00	\$20.00
Hobbies	\$35.00	\$35.00
Barber and hairdresser	\$50.00	\$50.00
Newspaper, magazine subscriptions	0	0
Charitable and/or religious donations	\$50.00	\$50.00
Vacation	\$100.00	\$100.00
Entertainment and miscellaneous	\$35.00	\$35.00
Transportation (other than auto)	0	0
Automobile		
Monthly payment	\$200.00	\$200.00
Repairs and maintenance	\$30.00	\$30.00
Insurance	\$85.00	\$92.00
Gasoline	\$40.00	\$40.00
Life Insurance	0	0
Other	0	0
TOTAL	\$2,110.00	\$2,379.00



Respondent
will fill out
this page.

RESPONDENT'S EXPENSE INFORMATION

- V. List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months) and estimated monthly expenses for the next year, including any expenses that have recently changed or are expected to change in the near future.

ITEM	CURRENT EXPENSES	ESTIMATED EXPENSES
Rent		
Mortgage (taxes, insurance and escrow)		
Water		
Sewer		
Electric		
Gas		
Oil		
Garbage		
Cable television		
Telephone		
Household items		
Household maintenance and repairs (list)		
Item:		
Item:		
Groceries		
Clothing		
Health Insurance (COBRA)		
Out-of-pocket medical and dental expenses for self		
Medical and dental expenses for the children		
Work-related child care		
School tuition for children of the parties		
School tuition for other children		
Laundry and dry cleaning		
Toys and presents		
Cosmetics and toiletries		
Hobbies		
Barber and hairdresser		
Newspaper, magazine subscriptions		
Charitable and/or religious donations		
Vacation		
Entertainment and miscellaneous		
Transportation (other than auto)		
Automobile		
Monthly payment		
Repairs and maintenance		
Insurance		
Gasoline		
Life Insurance		
Other		
TOTAL		

IF ANY PARTY DELIBERATELY FAILS TO DISCLOSE INFORMATION REQUIRED IN THIS REPORT OR DELIBERATELY MISREPRESENTS INFORMATION IN RESPONSE TO QUESTIONS IN THIS REPORT, THE COURT MAY IMPOSE SANCTIONS, INCLUDING, BUT NOT LIMITED TO, AWARDING THE ENTIRE ASSET TO THE OTHER PARTY, WITHOUT REGARD FOR THE ADDITIONAL TIME REQUIRED TO DISCOVER THE ASSET, OR ANY OTHER PENALTY THAT THE COURT DEEMS APPROPRIATE.

Explain how you would like your property to be divided.

Please list

ed division of property and debts and reasons for proposal, to the extent known:

PROPOSED DIVISION

PETITIONER

I would like to keep my car. I would like the house sold and the profits divided. I would like a portion of my husband's pension And IRA accounts.



RESPONDENT

Respondent will fill out this column.

Fill in the County where you have this form notarized and the date that you have it notarized.

STATE OF Delaware

SS.

COUNTY OF Kent

SS.

BE IT REMEMBERED that on this 1st day of August, 2004, appeared before me, a Notary Public for the State and County aforesaid,

Anne C. Smith, who being by

(Name of Petitioner)

me duly sworn according to law, did depose and say that the foregoing answers are true and correct to the best of his/her knowledge and belief.

Only sign this form in the presence of a notary or court staff.



Anne C. Smith

PETITIONER

Donna King

NOTARY PUBLIC OR CLERK OF COURT

COUNSEL FOR PETITIONER, IF ANY

August 4, 2004

DATE

BE IT REMEMBERED that on this _____ day of _____, _____, appeared before me, a Notary Public for the State and County aforesaid,

_____, who being by _____, who being by

(Name of Respondent)

me duly sworn according to law, did depose and say that the foregoing answers are true and correct to the best of his/her knowledge and belief.

RESPONDENT

NOTARY PUBLIC OR CLERK OF COURT

COUNSEL FOR RESPONDENT, IF ANY

DATE

The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

RULE 16(c) FINANCIAL REPORT

PROPERTY DIVISION, ALIMONY, COUNSEL FEES

DATE OF MARRIAGE: May 16, 1987
DATE OF SEPARATION: January 1, 2004
DATE OF DIVORCE: July 7, 2004

CASE NAME: Smith v. Smith
FILE NUMBER: CK04-12111
PETITION NUMBER: 04-36000

The Petitioner will have already completed his/her portion of the form. You will only complete the Respondent's sections. Examples of the Respondent's sections have been highlighted in grey. Any writing not highlighted in grey was filled in by the Petitioner.

PETITIONER'S NAME: Anne C. Smith
ADDRESS: 10 Oak Street, Apartment # 123
Dover, Delaware 19901
SOCIAL SECURITY NUMBER: 111-22-3333
DATE OF BIRTH: 2/3/64
HOME PHONE: (302) 555-1111
WORK PHONE: (302) 555-9999
EMPLOYER NAME: ABC Child Care
EMPLOYER ADDRESS: 500 Pine Street
Dover, DE 19904
YEARS EMPLOYED: 7 years
POSITION OR OCCUPATION: Pre-school teacher
CURRENT ANNUAL INCOME: \$28,400.00
PETITIONER'S ATTORNEY: none
ATTORNEY'S ADDRESS: N/A
PHONE #: N/A
FAX: N/A
E-MAIL ADDRESS (optional): N/A

RESPONDENT'S NAME: John D. Smith
ADDRESS: 490 Pine Street
Wilmington, Delaware 19899
SOCIAL SECURITY NUMBER: 787-98-6767
DATE OF BIRTH: 7/13/65
HOME PHONE: (302) 555-9876
WORK PHONE: (302) 555-3434
EMPLOYER NAME: XYZ Corporation
EMPLOYER ADDRESS: 67 Walnut Ave.
Newark, Delaware 19867
YEARS EMPLOYED: 2 years
POSITION OR OCCUPATION: Computer Technician
CURRENT ANNUAL INCOME: \$35,500.00
RESPONDENT'S ATTORNEY: none
ATTORNEY'S ADDRESS: N/A
PHONE #: N/A
FAX #: N/A
E-MAIL ADDRESS (optional): N/A

A. Names and dates of birth of minor children of the parties. Indicate with whom the child(ren) primarily reside: Mother (M); Father (F); Shared (S).

(P)

Doug A. Smith	10/14/91	(M)
Mary J. Smith	4/17/96	(M)

(R)

Doug A. Smith	10/14/91	(M)
Mary J. Smith	4/17/96	(M)

B. Names and dates of birth of any adult children residing with either party. Indicate whether the child is enrolled in school.

(P)

N/A

(R)

N/A

C. Describe your employment history for the past five years. Include the name of each employer, the dates of employment, the last annual income with each employer, and the reason employment ended. Start with your most recent employer.

PETITIONER (P): EMPLOYER	DATES OF EMPLOYMENT		ENDING ANNUAL INCOME	REASON FOR LEAVING
	START DATE	END DATE		
ABC Child Care	8/1/97	Present	\$28,4000	Still at job.

RESPONDENT (R): EMPLOYER	DATES OF EMPLOYMENT		ENDING ANNUAL INCOME	REASON FOR LEAVING
	START DATE	END DATE		
XYZ Corporations	9/15/02	Present	\$35,000	Still at job.
Acme Accounting Firm	2/10/01	9/08/02	\$30,150	Higher salary at current position.
Buggy Pest Control	5/1/93	2/1/01	\$26,000	Enter a new career field.

D. Do you have health/dental insurance benefiting you, your spouse and/or children of this marriage?

(P) ☒ YES ☐ NO

(R) ☒ YES ☐ NO

If so, please state the name of your insurance company, the group and member numbers and cost:

(P)

Insurance Company: Blue Cross/Blue Shield
Group Number: 876T
Member Number: 897654321
Monthly Cost: \$146.00

(R)

Insurance Company: Coventry
Group Number: 98743 ZTR
Member Number: H7765J78
Monthly Cost: \$34.00

E. Does your employer offer a qualified and/or non-qualified pension plan?

(P) ☐ YES ☒ NO

(R) ☒ YES ☐ NO

Are you a participant in any pension and/or retirement plan at your current place of employment?

(P) ☐ YES ☒ NO

(R) ☒ YES ☐ NO

Were you a participant in any other pension and/or retirement plan(s) through previous employment?

(P) ☐ YES ☒ NO

(R) ☐ YES ☒ NO

If so, please state the name(s) of all plan(s), plan administrator(s), address(es) and phone number(s) in which you are a participant:

(P)

(R)

Saga Investment Plan
Saga Financial Administrators
345 West Blue Street, Miami Florida 45611
(211) 555-1000

F. Do you have any other deductions from your pay (not including taxes), such as union dues, mandatory pension deductions, or other?

(P) ☒ YES ☐ NO

(R) ☐ YES ☒ NO

If so, please identify the deduction and monthly cost:

DEDUCTION	MONTHLY COST
Education Assoc. Dues	\$15.00

DEDUCTION	MONTHLY COST

If Petitioner has already filled in this section, add any additional insurance policies owned by the parties.

G. Do you participate in or own any life insurance on your life?

(P) ☐ YES ☒ NO

(R) ☒ YES ☐ NO

If so, please state the following:

Name of Plan	Policy Number	Type*	Beneficiary	Face Value	Cash Surrender Value	Monthly Cost	Basis for Non-Marital Claim
American Insurers	666442220	T	Wife	\$100,000.00	\$32,000.00	\$19.00	Pre-marital

* Type: W= Whole Life T= Term E= Employer

H. Do you claim any inability to pay support due to ill health, disability or extraordinary expenses which results in dependency upon the other party for support and/or impairment of earning capacity?

(P) ☐ YES ☒ NO

(R) ☐ YES ☒ NO

If yes, please provide below the name and address of all treating physicians and state the nature of the disability:


(P)

(R)

I. Are you receiving any income from benefits such as Social Security retirement, Social Security Disability (SSDI), VA benefits, federal pension (CSRS or FERS), private disability or military pension?

(P) ☐ YES ☒ NO

(R) ☐ YES ☒ NO

If so, please indicate from where you receive the benefit(s) and the monthly amount: 

BENEFIT	MONTHLY COST

BENEFIT	MONTHLY COST

J. During the last five (5) years, have you given, transferred, or entrusted your property (including cash) in excess of \$1000.00 in the aggregate to anyone other than a party to this proceeding?

(P) ☒ YES ☐ NO

(R) ☐ YES ☒ NO

If so, please name the recipient of each item and describe the item and its value:

(P)

I loaned my sister \$2,500.00 for college expenses.

(R)

INCOME INFORMATION

K. List annual gross income from all sources for last three years, including estimated gross income for current year

PETITIONER

3 years ago	\$24, 500
2 years ago	\$26, 100
1 year ago	\$27, 200
Current	\$28,400

RESPONDENT

3 years ago	\$30,150
2 years ago	\$33,440
1 year ago	\$35,000
Current	\$35,000

Consult financial records including W-2s and tax forms to obtain this information.

ASSETS OF THE PARTIES

“Assets” include all assets (property) of any kind, including real estate, and tangible and intangible personal property (such as bank accounts, stocks, bonds, etc.). Unless you explain otherwise, it will be presumed that you are the sole legal owner of any asset(s) identified in your answers. If you are not the sole legal owner, please explain the nature and extent of your ownership, including the name of all co-owners. **If the space provided is insufficient, please attach additional pages, indicating whether the attachment is supplied by Petitioner or Respondent.**

All property will be considered marital and subject to division unless a party indicates to the contrary. Such an indication must be made by listing one of the following reasons for claiming the property is non-marital under the “Basis for Non-Marital Claim” category:

- Premarital** (Property owned by a party before marriage).
- Agreement** (Property excluded by agreement of the parties).
- Post-Separation** (Property acquired after separation).
- Exchange** (Property acquired in exchange for premarital property).
- Increase** (The increase in value of property acquired before marriage).
- Gift** (Property acquired by gift from a third person).
- Inheritance** (Property acquired by inheritance).

PLEASE COMPLETE THE FOLLOWING INFORMATION:

REAL PROPERTY

Fill in what you think the value of the property is. Also, list any additional property owned by you and the Respondent.

L. Interests in real estate:

Address	In Whose Name	Market Value	Mortgage Balance	Source of funds for purchase	Basis for Non-Marital Claim
490 Pine Street Wilmington, Delaware 19899	(J)	(P) \$141,875.00 (R) \$156,222.00	\$83,980.00	Loans	None
17 Beach Street Bowers, Beach Delaware 19765	(R)	(P) (R) \$56,000.00	\$0.00	Inheritance	Inheritance
		(P) (R)			

Fill in what you think the motor vehicles are valued and add any additional motor vehicles owned by the parties.

MOTOR VEHICLES

M. Automobiles, trailers, motorcycles, and other vehicles:

Make, Model & Year	In Whose Name	Date Acquired	Value by Petitioner*	Value by Respondent*	Balance on Loan	Who drives?	Basis for Non-Marital Claim
1998 Honda Accord	(J)	July 2000	\$8,400.00	\$9,600.00	\$1,547.65	(P)	None
1999 Chevy Trailblazer	(J)	Nov 2002	\$7,100.00	\$7,100.00	\$2,912.04	(R)	None

* NOTE: The Court generally uses the current retail NADA book value for automobiles

BANK ACCOUNTS

Add any additional bank accounts owned by the parties.

N. Checking accounts, savings accounts, certificates of deposit:

Name and Address of Institution	Account Number	Present Value	In Whose Name	Basis for Non-Marital Claim
Savings Trust, 800 Market Street, Wilmington	98645230007	\$483.78	(J)	None
First Bank, 134 Holly Street, Newark	9874635	\$3,290.00	(R)	Inheritance

RETIREMENT PLAN(S)

Add any additional retirement plans owned by the parties.

O. Profit sharing plans and/or retirement plans (other than your pension) such as an IRA:

Name of Plan	In Whose Name	Value of Plan & Date of Value	Does the Non-contributor Claim a Share of Post-Separation Contributions?		Basis for Non-Marital Claim
Investment Inc. IRA	(R)	\$26,942.65 as of July 29, 2004	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	None
			Y <input type="checkbox"/>	N <input type="checkbox"/>	
			Y <input type="checkbox"/>	N <input type="checkbox"/>	
			Y <input type="checkbox"/>	N <input type="checkbox"/>	
			Y <input type="checkbox"/>	N <input type="checkbox"/>	

INVESTMENTS

Add any additional investments owned by the parties.

P. Stocks, mutual funds, securities, bonds and options:

Corporation	Shares	Class	In Whose Name	Date Acquired	Market Value	Basis for Non-Marital Claim
N/A						
XYZ Corporation Stocks	10	A	(J)	9/15/02	\$26.30 per share	none

ANNUITIES

Add any additional annuities owned by the parties.

Q. Annuities:

Name and Address of Company	Amount of Payment	Date of First Payment	Duration of Payments	Beneficiary upon Death	In Whose Name	Basis for Non-Marital Claim
N/A						

BUSINESSES

A. If you have any interest in any business, please state:

PETITIONER

RESPONDENT



NAME OF BUSINESS: N/A
ADDRESS:
PERCENTAGE OF INTEREST OF BUSINESS:
YEARS OF OPERATION:
NAME OF ACCOUNTANT:
ACCOUNTANT'S ADDRESS:
BASIS FOR CLAIM THAT PROPERTY IS NON-MARITAL:
ARE THERE ANY BUY/SELL AGREEMENTS? Y <input type="checkbox"/> N <input type="checkbox"/>

NAME OF BUSINESS: N/A
ADDRESS:
PERCENTAGE OF INTEREST OF BUSINESS:
YEARS OF OPERATION:
NAME OF ACCOUNTANT:
ACCOUNTANT'S ADDRESS:
BASIS FOR CLAIM THAT PROPERTY IS NON-MARITAL:
ARE THERE ANY BUY/SELL AGREEMENTS? Y <input type="checkbox"/> N <input type="checkbox"/>

HOUSEHOLD FURNISHINGS AND BELONGINGS

If the parties do not agree how to divide their household furnishings and belongings, the Court generally divides them by the "two-list" method. One party prepares two lists dividing all of the marital furnishings and belongings. The other party chooses which of the two lists of household furnishings and belongings he or she will keep. The party who prepared the two lists will keep the household furnishings and belongings listed on the remaining list.

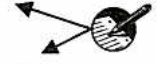
PETITIONER

RESPONDENT

The household furnishings and belongings: have been divided

☒ Yes ☐ No

☒ Yes ☐ No



will be divided by the
"two-list" method ☐ Yes ☐ No

☐ Yes ☐ No

Add any additional assets owned by the parties. An asset is anything of value that is owned by you and your former spouse.

OTHER ASSETS

B. Other Asset:

In Whose Name

Value

N/A		

DEBTS OF THE PARTIES

Fill in the Respondent's portion of the chart below. Add any additional debts owed by the parties.

C. Please complete the chart below regarding **ALL** of the debts incurred during this marriage

Write the name of the creditor (the institution, company, person, etc.) to whom money is owed	Write the name of the person responsible to the creditor	Write the general purpose of the debt incurred (why was the money borrowed?)	Write the date the debt was incurred	Write the amount of money owed on the date of separation	Write the amount of money owed on the date of divorce	Would you like credit for the money you paid after the date of separation? If so, how much?
1) Mastercard	Anne and John	Household Purchases	Over past ten years	(P) \$2,731.06 (R) \$2,731.06	(P) \$5,099.75 (R) \$5,099.75	(P) No (R) \$1,250.00
2) Lowes Credit Card	Anne and John	Household Purchases	Over past two years	(P) \$900.14 (R) \$900.14	(P) \$450.14 (R) \$900.14	(P) \$450.00 (R) No
3) Loan on Honda	Anne and John	Purchase Car	July 2000	(P) \$2,751.34 (R) \$2,751.34	(P) \$1,547.65 (R) \$1,547.65	(P) \$1,203.69 (R) No
4) Loan on Trailblazer	Anne and John	Purchase Car	Nov. 2002	(P) \$4,401.88 (R) \$4,401.88	(P) \$2,912.04 (R) \$2,912.04	(P) No (R) \$1489.84
5)				(P) (R)	(P) (R)	(P) (R)
6)				(P) (R)	(P) (R)	(P) (R)
7)				(P) (R)	(P) (R)	(P) (R)
8)				(P) (R)	(P) (R)	(P) (R)
9)				(P) (R)	(P) (R)	(P) (R)
10)				(P) (R)	(P) (R)	(P) (R)
11)				(P) (R)	(P) (R)	(P) (R)
12)				(P) (R)	(P) (R)	(P) (R)
13)				(P) (R)	(P) (R)	(P) (R)
14)				(P) (R)	(P) (R)	(P) (R)
15)				(P) (R)	(P) (R)	(P) (R)

PETITIONER'S EXPENSE INFORMATION

List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months) and estimated monthly expenses for the next year, including any expenses that have recently changed or are expected to change in the near future.

ITEM	CURRENT EXPENSES	ESTIMATED EXPENSES
Rent	\$625.00	\$800.00
Mortgage (taxes, insurance and escrow)	0	0
Water	0	0
Sewer	0	0
Electric	\$95.00	\$95.00
Gas	\$45.00	\$80.00
Oil	0	0
Garbage	0	0
Cable television	\$65.00	\$65.00
Telephone	\$25.00	\$65.00
Household items	\$45.00	\$45.00
Household maintenance and repairs (list)		
Item:	0	0
Item:	0	0
Groceries	\$250.00	\$250.00
Clothing	\$50.00	\$50.00
Health Insurance (COBRA)	\$146.00	\$158.00
Out-of-pocket medical and dental expenses for self	\$14.00	\$14.00
Medical and dental expenses for the children	\$40.00	\$40.00
Work-related child care	0	0
School tuition for children of the parties	0	0
School tuition for other children	0	0
Laundry and dry cleaning	\$15.00	\$15.00
Toys and presents	\$50.00	\$50.00
Cosmetics and toiletries	\$20.00	\$20.00
Hobbies	\$35.00	\$35.00
Barber and hairdresser	\$50.00	\$50.00
Newspaper, magazine subscriptions	0	0
Charitable and/or religious donations	\$50.00	\$50.00
Vacation	\$100.00	\$100.00
Entertainment and miscellaneous	\$35.00	\$35.00
Transportation (other than auto)	0	0
Automobile		
Monthly payment	\$200.00	\$200.00
Repairs and maintenance	\$30.00	\$30.00
Insurance	\$85.00	\$92.00
Gasoline	\$40.00	\$40.00
Life Insurance	0	0
Other	0	0
TOTAL	\$2,110.00	\$2,379.00



RESPONDENT'S EXPENSE INFORMATION

- V. List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months) and estimated monthly expenses for the next year, including any expenses that have recently changed or are expected to change in the near future.

ITEM	CURRENT EXPENSES	ESTIMATED EXPENSES
Rent	0	0
Mortgage (taxes, insurance and escrow)	\$980.00	\$980.00
Water	\$24.00	\$24.00
Sewer	\$16.00	\$16.00
Electric	\$160.00	\$160.00
Gas	0	0
Oil	0	0
Garbage	\$18.00	\$18.00
Cable television	\$65.00	\$65.00
Telephone	\$85.00	\$70.00
Household items	\$30.00	\$30.00
Household maintenance and repairs (list)		
Item: New Roof	0	\$100.00
Item:	0	0
Groceries	\$100.00	\$100.00
Clothing	\$25.00	\$25.00
Health Insurance (COBRA)	\$34.00	0
Out-of-pocket medical and dental expenses for self	\$36.00	\$60.00
Medical and dental expenses for the children	0	0
Work-related child care	0	0
School tuition for children of the parties	0	0
School tuition for other children	0	0
Laundry and dry cleaning	\$25.00	\$25.00
Toys and presents	\$35.00	\$35.00
Cosmetics and toiletries	\$10.00	\$10.00
Hobbies	\$95.00	\$95.00
Barber and hairdresser	\$15.00	\$15.00
Newspaper, magazine subscriptions	\$12.00	0
Charitable and/or religious donations	0	0
Vacation	\$60.00	\$60.00
Entertainment and miscellaneous	\$35.00	\$35.00
Transportation (other than auto)	0	0
Automobile		
Monthly payment	\$250.00	\$250.00
Repairs and maintenance	\$10.00	\$10.00
Insurance	\$112.00	\$112.00
Gasoline	\$55.00	\$55.00
Life Insurance	\$19.00	\$19.00
Other	0	0
TOTAL	\$2,306.00	\$2,364.00

IF ANY PARTY DELIBERATELY FAILS TO DISCLOSE INFORMATION REQUIRED IN THIS REPORT OR DELIBERATELY MISREPRESENTS INFORMATION IN RESPONSE TO QUESTIONS IN THIS REPORT, THE COURT MAY IMPOSE SANCTIONS, INCLUDING, BUT NOT LIMITED TO, AWARDING THE ENTIRE ASSET TO THE OTHER PARTY REGARDLESS OF ANY OTHER EQUITABLE CIRCUMSTANCES, AWARDING ATTORNEY'S FEES OR OTHER EXPENSES INCURRED FOR THE ADDITIONAL TIME REQUIRED TO DISCOVER THE ASSET, AND OTHER PENALTY THAT THE COURT DEEMS APPROPRIATE.

PROPOSED DIVISION

Please list below the proposed division of property and debts and reasons for proposal, to the extent known:

Explain how you would like your property to be divided.

PETITIONER

RESPONDENT

I would like to keep my car. I
would like the house sold and the
profits divided. I would like a
portion of my husband's pension
and IRA accounts.

I would like to keep my truck. I
would like to keep the house and
have my wife by me out. I will
share my pension with my wife.
I don't want my wife to have the
savings account or property I
inherited from my grandfather.

Fill in the county where this form is notarized and the date that you have it notarized.

STATE OF Delaware :
COUNTY OF Kent : SS.

STATE OF Delaware :
COUNTY OF New Castle : SS.

BE IT REMEMBERED that on this 1st day of August, 2004, appeared before me, a Notary Public for the State and County aforesaid, Anne C. Smith, who being by (Name of Petitioner) me duly sworn according to law, did depose and say that the foregoing answers are true and correct to the best of his/her knowledge and belief.

BE IT REMEMBERED that on this 26th day of August, 2004, appeared before me, a Notary Public for the State and County aforesaid, John D. Smith, who being by (Name of Respondent) me duly sworn according to law, did depose and say that the foregoing answers are true and correct to the best of his/her knowledge.

Sign this form in the presence of a notary or court staff.

Anne C. Smith

John D. Smith

PETITIONER

RESPONDENT

Donna King
NOTARY PUBLIC OR CLERK OF COURT

Donna King
NOTARY PUBLIC OR CLERK OF COURT

COUNSEL FOR PETITIONER, IF ANY

COUNSEL FOR RESPONDENT, IF ANY

August 4, 2004
DATE

August 26, 2004
DATE

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

Petitioner

Name		
Anne C. Smith		
Street Address		
10 Oak Street		
Apt. or P.O. Box Number		
Apt#123		
City	State	Zip Code
Dover	DE	19901
Social Security Number	Date of Birth	
111-22-3333	2/3/64	
Attorney Name and Phone Number		
n/a		

Respondent

Name		
John D. Smith		
Street Address		
490 Pine Street		
Apt. or P.O. Box Number		
City	State	Zip Code
Wilmington	DE	19899
Social Security Number	Date of Birth	
787-98-6767	7/13/65	
Attorney Name and Phone Number		
n/a		

File Number
CK04-12111
Petition Number
04-36000
Type of Filing

AFFIDAVIT OF MAILING

Check the appropriate box depending on whether you are the Petitioner or the Respondent.

Involving the above-captioned case having been previously filed in this

- (Check **ONE**)
- | | |
|---|---|
| <input checked="" type="checkbox"/> Petitioner/Movant | <input type="checkbox"/> Attorney for Petitioner/Movant |
| <input type="checkbox"/> Respondent/Movant | <input type="checkbox"/> Attorney for Respondent/Movant |

affirm that a true and correct copy of this: (Check **ONE** and complete as appropriate.)

- | | |
|---|--|
| <input type="checkbox"/> Answer to Petition | <input checked="" type="checkbox"/> 16(C) Financial Report |
| <input type="checkbox"/> Motion or | <input type="checkbox"/> Response to Motion |

You are mailing a copy of the 16 (c) Financial Report.

☐ Other: _____
(Other type of document mailed to opposing party/attorney)

was placed in the U.S. Mail on this date, 8/4/04, and sent first class postage pre-paid to the: (Check **ONE** and complete as appropriate.)

Fill in the date that you mail a copy of the 16 (c) Financial Report to the other party.

- | |
|--|
| <input checked="" type="checkbox"/> Opposing party at the address listed above |
| <input type="checkbox"/> Attorney for opposing party at the address listed below |

SWORN TO AND SUBSCRIBED before

me this date, August 4, 2003



Sign in the presence of a notary or court staff



Anne C. Smith
Party/Movant/Attorney



Donna King
Notary Public

Signed by a notary or court staff

Only complete this form if you have been instructed to do so by the Court.

The Family Court of the State of Delaware

In and For ☐ New Castle ☒ Kent ☐ Sussex County

Check the county in which you are filing.

Anne C. Smith

Petitioner

v.

John D. Smith

Respondent

File No.: CK04-12111

Petition No.: 04-36000

Circle or underline the appropriate party based on the Court's instructions.

ORDER

The Petitioner/Respondent, failed to timely file the Rule 16 (c) Financial Report. Therefore, the Court directed the Petitioner/Respondent, to file a Form of Order stating how matters should be resolved. Accordingly, the ancillary matters are decided

Explain specifically how you would like your property to be divided.

The Petitioner will keep the 1998 Honda Accord and Respondent will keep the 1999 Chevy Trailblazer.

The marital home located at 490 Pine Street in Wilmington, DE will be sold and the parties will equally divide the profits.

Petitioner will receive half of the Respondent's pension and retirement accounts.

Each party will make payments on the vehicle that they keep.

Petitioner will pay the MasterCard and Respondent will pay the Lowes Card.

IT IS SO ORDERED.



Signed by a hearing officer.


Judge/Commissioner


Date:

cc:

SECTION 5

ANCILLARY HEARING WITH A JUDGE

 If you or your former spouse requested that the Court determine **property division, alimony, counsel fees, court costs and/or any other ancillary relief allowed in Title 13, section 1507 (f)**, these matters will be scheduled for a Hearing before a judge. The hearing will be scheduled **AFTER** the Rule 16(c) Financial Report form is completed by both parties and filed with the Court. The Court will notify you by mail of the date of your hearing.

 Depending on how complicated your case is, the Judge may schedule a **Pre-trial Conference**. The Court will notify you if a pre-trial conference will be held. You may also be required to submit additional information regarding your finances to the Court.

 If you do not comply with the Court's request for additional information, the Court may impose the following **SANCTIONS** (penalties):

- Continue the hearing;
- Accept your former spouse's information as true and ignore any information you may have; or
- Order you to pay your former spouse's attorney fees; or
- Dismiss the case.



Before your Hearing(s) you should refer to the FAQ's (Frequently Asked Questions) dealing with the topics of you Hearings(s) and other any information in the Resource Centers on How to Prepare for a Hearing. Reviewing these materials will allow you to be prepared to fully participate in the hearing.



**THIS IS THE END OF
THE DIVORCE
PACKET.**